IMT Nuremberg Archives

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International Court of Justice

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VON PAPEN

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812-PS	U.S. 61	N	497-8	6. 7.39	Report of Gauleiter Rainer.
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2003-PS		C	28 of 22 Nov. afternoon.	1. 8.34	Law concerning Sovereign Head of Reich (1934 RGB I, p. 747).
2059-PS		B	30 of 22 Nov. afternoon.	21. 3.33	Amnesty decree (1933 RGB I, p. 134).
2076-PS		C	30 of 22 Nov. afternoon.	21. 3.33	Decree forming Special Courts (1933 RGB I, p. 136).
2246-PS	U.S. 67	N	527-9	1. 9.36	Papen's Report to Hitler.
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2655-PS				20. 7.33	Concordat between the Holy See and the German Reich (1933 RGB II, p. 679).
2799-PS		N	479 483-6	26. 7.34	Letter Hitler to Papen (D.d.d.P. II, p. 83).
2830-PS				12.5.36	LETTER PAPEN TO HITLER
2902-PS				13.11.45	Statement of von Papen 13 November 1945.
2962-PS		E	17 of 22 Nov. afternoon.	15. 3.33	Minutes of Conference of Ministers.
3280-PS				14. 3.37	"Mit brennender Sorge", Encyclical of Pope Pius XI.

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3313-PS					Stuttgart speech of 3.3.33. "Appel an das Deutsche Gewissen" by von Papen (p. 67).
3314-PS				29. 8.32	Frankfurter Zeitung - Munster Speech.
3317-PS				13.10.32	Frankfurter Zeitung - Munich Speech.
3318-PS				12.10.32	Frankfurter Zeitung - Munich Speech.
3357-PS				7/10.4.33	Exchange of letters, Papen - Hitler - Hindenburg: D.d.d.P. Vol. I, p. 158.
3375-PS				2.11.33	Essen speech, Voelkischer Beobachter, South German ed., p.10.
3376-PS				Sep 34	Das Archiv, VI, pp. 767-768. Dissolution of Union of Catholic Germans.
3387-PS				24. 3.33	Hitler Reichstag speech 23.3.33 - Voelkischer Beobachter, p. 1.
3389-PS				29. 3.33	Fulda Declaration, 28.3.33, Voelkischer Beobachter, p. 2.
3463-PS				28. 5.32	Dates from the History of the NSDAP by Dr. Hans Volz (p. 41).
D.472				22. 4.43	"Internationales Biographisches Archiv" (Biography of Ribbentrop)
D.631				14. 6.32	Decree cancelling dissolution of SA and SS (1932 RGB I pp. 297-300 para 20 (6)).
D.632				26.10.44	"Internationales Biographisches Archiv" (Biography of Papen).

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Document No.	Exhibit No.	Previous Doc. Book	Transcript Page	Date	Description
D. 633				13.11.32	Letter von Papen to Hitler.
D. 634				16.11.32	Letter Hitler to von Papen.
D. 635				27. 3.33 28. 3.33	Radio gram from Papen. Translation of same published in New York Times.
L. 150	U.S. 65	N	520	18. 5.36	Ambassador Bullitt's Memorandum of Conversation with von Neurath.

TRANSLATION OF DOCUMENT 351 PS
OFFICE OF U.S. CHIEF OF COUNSEL

LIST OF THE MEMBERS OF THE REICH CABINET SINCE 30 JANUARY 1933

Reichs Chancellor Adolf Hitler, appointed 30 January 1933

Fuehrer and Reichs Chancellor since 2 August 1934

Name	Appointed	Reappointed	Resigned
The Deputy of the Reichs Chancellor von Papen	30.1.1933		30.7.1934
1. The Deputy of the Fuehrer Hess, Reichsminister without portfolio	1.12.33		
2. Reichs Minister of Foreign Affairs Freiherr von Neurath	2.6.32	30.1.33	
3. Reichs and Prussian Minister of the Interior - Dr. Frick	30.1.33		
4. Reichs War Minister and Supreme Commander of the Armed Forces von Blomberg	30.1.33		
5. Reichs Minister for Finance Graf Schwerin von Krosigk	2.6.32	30.1.33	
6. Reichs and Prussian Minister of Economy - Dr. Hugenberg	30.1.33		29.6.33
Dr. Schmitt	29.6.33	x)	30.7.34
		xx)	30.1.35
Commissioned: President of the Reichs Bank Directorate Dr. Schacht	30.7.34	Temporary for 6 months	
	30.1.35	Until further notice	
7. Reichs and Prussian Minister of Public Works - Seldte	30.1.33		
8. Reichs Minister of Justice Dr. H. C. Guertner	2.6.32	1.2.33	
9. Reichs Postmaster General and Reichs and Prussian Minister of Transportation Freiherr von Eltz-Rubenach	1.6.32	30.1.33	
10. Reichs and Prussian Minister for Food and Agriculture Dr. Hugenberg	30.1.33		29.6.33
Darre	29.6.33		
11. Reichs Minister for Enlightenment and Propaganda Dr. Goebbels	13.3.33		
12. Reichs Minister for Aviation - Goering			
Reichs Minster without portfolio	30.1.33		
Reichs Minister for Aviation	5.5.33		

x) 30.7.34 Relieved from the Office of the Reichs Minister for Economy for 6 mos.

xx) 30.1.35 Relieved of his offices.

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	Name	Appointed	Reappointed	Resigned
13.	Reichs and Prussian Minister for Finance and Education Rust	1.5.34		
14.	Reichs and Prussian Minister for Church Affairs			
	Reichs Minister without portfolio	16.6.34		
	Reichs and Prussian Minister for Church Affairs	since 16.7.35		
15.	Reichs Minister without portfolio Dr. Frank	19.12.34		

State Secretary of the Reichs Cabinet:

Dr. Lammers, State Secretary and Chief of the Reichs Chancellory 30.1.33

Press Chief of the Reichs Cabinet:

Funk	30.1.33
Director of the Ministry	30.1.33
State Secretary in the Reichs Ministry for Enlightenment and Propaganda	13.3.33

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Present

at the First Session of the Cabinet of Adolf Hitler

on 30 January 1933 at 5:00 p.m.

Present:

Reichs Chancellor	Hitler
Deputy of the Reichs Chancellor and Reichs Commissar for the State of Prussia	von Papen
Reichs Minister of Foreign Affairs	Freiherr von Neurath
Reichs Minister of the Interior	Dr. Frick
Reichs Minister of Finance	Graf Schwerin von Krosigk
Reichs Minister of Economy	Dr. Hugenberg
Reichs Minister of Labor	Seldte
Reichs Minister of Justice	
Reichs Defense Minister	von Blomberg
Reichs Postmaster General and Reichs Minister for transportation	Freiherr von Eltz-Rubenach
Reichs Minister and Reichs Commissar for Aviation	Goering
Reichs Minister for Food and Agriculture	Dr. Hugenberg
Reichs Commissar for Procurement of Labor	Dr. Gereke
State Secretary in the Reichs Chancellory	Dr. Lammers
State Secretary in the Office of the Reichs President	Dr. Meissner
Reichs Press Chief, Director in the Ministry	Funk
Responsible for the Protocol Counsellor in the Ministry	Wienstein

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Subject:

The Political Situation.

The Reichs Chancellor opens the session and explains that millions of people within Germany would joyfully greet this day on which a Reich Cabinet under his leadership had been appointed by the Reich President. He asked the members of the Cabinet to give him their confidence as he himself had confidence in each member of the Cabinet.

Then the Chancellor stated that he intended to suggest to the Reich President the appointment of the Counsellor in the Ministry, Dr. Lammers, to the post of Stat Secretary in the Reich Chancellor in place of the retired State Secretary Planck, and the appointment of the member of the Reichstag, Walter Funk, to the post of Director in the Ministry and Director of the Press Office in place of the retired Director in the Ministry, Marcks.

The Reich Cabinet took note of this, There were no objections against his proposal.

The Reich Chancellor then opened a discussion about the political situation.

Reich Minister Goering stated that he had contacted the Center Party. The Center Party felt offended because they had not been informed about the development of the situation. As he had been informed Reich Chancellor von Papen had not contedthe representatives of the Center Party. He, Reich Minister Goering, was under the impression that the Center Party expected certain concessions from the present Reich Cabinet.

The Reich Minister for Economy and Reich Minister for Food and Agriculture stated that it would be wise to avoid any brusque actions toward the Center Party. However, the representation of the Center Party in the Reich Cabinet was to be avoided since, in his opinion, it would endanger the unity of decisions of that body.

The Reich Chancllor pointed out that adjournment of the Reichstag would be impossible without the collaboration of the Center Party. One might, however, consider suppressing the Communist Party to eliminate its votes in the Reichstag and by this measure achieve a majority in the Reichstag. Based on his experiences, however, such suppressions of parties were of no avail. He was afraid that heavy political fights and possibly a general strike might be the result of this contemplated suppression of the Communist Party of Germany. Surely the economy of the country needed settled conditions. If, however, one discussed the question of the greater danger for the national economy, the uncertainty and unrest connected with new elections or a general strike, then one had to arrive at the conclusion that a general strike would be far more dangerous for the national economy.

It appeared flatly impossible to suppress the 6,000,000 people who stood behind the Communist Party of Germany. It might be possible, however, to achieve a majority for the new Reich Cabinet after dissolving the Reichstag and the new elections which had to fall soon. The best thing, however, would be if the Reichstag should adjourn itself voluntarily.

The Reich Minister for Economy and the Reich Minister for Food and Agricult explained that he certainly was not longing for a general strike. In his opinion however, it was impossible to avoid the suppression of the Communist Party of Germany. If that were not done one could not achieve a majority in the Reichstag certainly not a majority of two-thirds.

After the suppression of the KPD the passage of an enabling law (Ermaechtigungsgesetz) through the Reichstag would be possible. He doubted that there would be a general strike after the suppression of the KPD. He preferred t suppression of the KPD to new elections.

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Reich Minister Goering stated that the Communists had planned a demonstration for this evening (30 January), which he had prohibited. On the basis of his investigations the KPD would not be prepared for a general strike at the present. The social democrats were pressing for a discussion in Reichstag.

In his opinion it would be best to dissolve the Reichstag as soon as possible and to hold new elections. The Reich Chancellor had given his word that the present constellation of the Reich Cabinet would not be altered even after new elections.

The Reich Chancellor confirmed the correctness of this statement.

The Reich Minister for Labor declared that there was great joy in the ranks of the Steel Helmet (Stahlhelm) about the forming of the present Reich Cabinet. There was no more friction between the Steel Helmet and the Sa.

In his opinion it would not be wise to let the first act of the present Reich Cabinet consist in the suppression of the KPD which might result in a general strike.

The Deputy of the Reich Chancellor and the Reich Commissar for Prussia pointed out that the German nation needed a rest. In his opinion it would be best initially to request an Enabling Law from the Reichstag. If such a law would not be passed the situation could be tackled anew. The Reich Chancellor declared that the general strike was not to be taken lightly. To suppress a possible general strike the Reichswehr should not be committed, if possible.

The Reich Minister for Defense thanked the Reich Chancellor for this attitude and emphasized that the soldier is only used to thinking of his opponent as an enemy from outside.

The Reich Minister for Foreign Affiars discussed the question of whether a suppression of the KPD with the possible consequence of a general strike were to be preferred to new elections for the Reichstag under foreign political consideration. He came to the conclusion that a suppression of the KPD with the possible consequence of a general strike would be, by far, the most serious outlook.

The Reich Minister for Finance pointed out that the financial status of the Reich, the States, and the Counties could only be adjusted through a slow improvement of the economic situation. He regarded the suppression of the KPD as a last political means. State Secretary Dr. Meissner proposed for the discussion whether an Enabling Law was to be proposed which would contain provisions for measures to be taken by the Reich cabinet in the interest of combating unemployment. Such an Enabling Law would only a simple majority in the Reichstag.

Reich Commissar Dr. Gereke stated that the Center Party would not tolerate the Cabinet. Speedy new elections to the Reichstag would become necessary. The Deputy of the Reich Chancellor and the Reich Commissar for the State of Prussia suggested that the Reich Chancellor, in an interview, would state at the earliest opportunity that the rumors about the danger of inflation and the rumors about the danger of the rights of civil servants are untrue. The Reich Chancellor agreed to this. He further informed the meeting that he would contact representatives of the Center Party in the morning of 31 January.

A new meeting of the Ministers is to take place on 31 January at 4:00 p.m. The Reich Cabinet took note of this.

Signed:

Wienstein 31.1.

(Seal)
The Gauleiter

Salzburg, 22 Aug 1939
Chiemsee

Personal!

Only direct delivery!

To the

Reich Minister Dr. Arthur SEYSS-INQUART,

VIENNA I
Ballhausplatz 2

Dear Dr. Seyss:

I have received your letter of 19 August 1939 in which you asked me to inform you what I know of those matters, which, among others, are the subject of your correspondence with BUERCKEL.

I do not wish to discuss sundry talks and all that, what has been brought to my notice in the course of time by different people. I wish to clarify essentially my own attitude.

On the 5th of July 1939 I was asked by telephone by the Reich Commissioner Gauleader BUERCKEL if I was in possession of the memorandum of GLOBUS regarding the events of March. I told him that I do not have this memorandum and that I never possessed a single part of it, that I furthermore did not then participate in the matter and do not know its content. Because of official requests by BUERCKEL I have entrusted him with a report accompanied by a letter written on the 6th July.

If BUERCKEL now writes to you that certain statements were confirmed by me, I feel obliged to entrust you with a copy each of my copies of those two documents, which were only written in single originals. I shall specially inform Buerckel of this. I connect this with declaration, that I have given apart from those written explanations, confirmations, declarations, or criticisms whatsoever regarding you and your attitude, and that I have authorized nobody to refer to any statements of mine.

Since the beginning of our collaboration I have always expressed and represented forcefully my ideas regarding yourself and my opinion of your personality. This conception of mine was the very basis of our collaboration. The events of February and March have not changed this, especially since I considered the political success of the 11th March merely as a confirmation of the intentions and convictions which have equally induced both of us to collaborate.

As far as Globus is concerned you are fully aware of his species which I judged always and in every situation only by its good side. I believe that you already talked to Globus about the occurrences between the 11th of March 1938 and today, and I am convinced that he will tell you everything that is bothering him, if you will speak to him about this matter, as is your intention.

With the best regards and

HEIL HITLER!

Yours

signed: Friedl Rainer

2 enclosures.

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PARTIAL TRANSLATION OF DOCUMENT 812-PS
OFFICE OF U.S. CHIEF OF COUNSEL
(Cont.)

Copy.

Salzburg, 6 July 1939

To the
Reich Commissar Gauleiter Josef BURCKEL

Vienna I
Parliament

Dear Party Member BURCKEL!

Soon after taking over in Austria, Klausner, Globocnik, and I flew to Berlin to report to Hitler's deputy, Hess, about the events which led to our taking over the government. We did this because we had the impression that the general opinion, perhaps also Hitler's own, was that the liberation depended more on Austrian matters of state rather than the party. To be more exact, Hitler especially mentioned Dr. Seyss-Inquart alone; and public opinion gave him alone credit for the change and thus believed him to have played the sole leading role.

This conception does not, however, correspond to the true proportions of powers and to the conditions of leadership which were completely clear until 12 March 1938. At that time I gave a short report in Klausner's behalf to the deputy of Hitler and also submitted a short summary of the developments since 1934. I made no single copy of this. I did not take part in further actions of this kind since they seemed to me to be too much connected with personal feelings. I think the main reason for the fact that the person of Dr. Seyss-Inquart seemed to Hitler and to public opinion to have stepped in the limelight in those March days, was that no position existed in the party from which one might have presented oneself to the public, and that there was no man who had the guts to let himself be presented. The actual reason was that the party leadership had to remain secret during the whole illegal fight, secret even from the Reich German public. He who wanted to direct correctly the political battle of the Austrian nazis had to forego public fame. I myself did not want to forego that and made such decisive political mistakes that his recall became necessary. The person of Klausner never longed for fame and was therefore not suitable to appear gloriously after the taking over of power. The two powers behind Klausner - I consider the dynamic part of Globocnik and the political part of myself - were bound from the beginning, as collaborators of Klausner's, to put him to the fore.

We saw in March and April how a false picture about the actual leadership conditions developed from this fact which could not be corrected despite of our attempts to that effect. This was an important factor for the varying moods of Globocnik who begged especially you that you would emphasize for Hitler and also for the public the role of the party during the events preceding 12 March 1938. I limited myself to address this verbal and written declaration to party member Hess, and furthermore to secure the documents from the March days. In addition, I spoke at every available opportunity about the fight of the party. I did not undertake steps to give just credit to other persons for the glory which was excessively ascribed to one person, Dr. Seyss-Inquart; and I would not do that, primarily because I appear as a beneficiary, and furthermore because I believe that I would not gladden Hitler by doing so. I am also convinced that Dr. Seyss-Inquart did not act crookedly, and furthermore that Hitler does not want to commit an act of historical justice by special preference of his person, but that he is attracted to him personally. It really is of no great account to Hitler if this or that person was more or less meritorious, in this sector of the great fight of the movement. Because, in the last analysis, by far

the greatest part is to be ascribed only to him; he alone will be considered by history as the liberator of Austria. I, therefore, considered it best to accept existing conditions and look for new fertile fields of endeavor in the party.

If I should be asked to describe - without personal interest - the role of the party according to my best conviction, I am ready to do so at any time. For this reason I promised yesterday to submit to you again a short summary, and to make it available for your confidential use. Of this letter and of this abbreviated description I retain the sole copy.

Heil Hitler,

Rainer e.h.

1 Enclosure

COPY.

(Report given on the 6th July 1939 by Rainer to Buerkel on the events in the N.S.D.A.P. of Austria from ... to 11th of March 1938 (Anschluss)).

Report on the events in the N.S.D.A.P. of Austria since the beginning of the last stage of battle until the seizure of power on the 11th March 1938.

In 1933 the Party fought a parliamentary battle. By the seizure of power in the Reich it gained considerably in members. It started to try to enforce new elections in order to gain admission into the government. By those means it should have taken over the government. The enemies recognized this fact, and the Government Dollfuss proceeded, while tolerating the words, to force the N.S.D.A.P. from its legal plane in order to render it innocuous. In this the government used legal tricks, thereby practically doing away progressively with the democratic constitution. The first attempts of the government were answered by the Party with an increase of pressure; and the government's breaches of constitution were answered by arbitrary acts with the assumption that it might thus be able to overthrow the government. This assumption was wrong; at that time the government had the backing of all anti-German foreign countries, and it felt sufficiently strong to prohibit the N.S.D.A.P., and confession of adherance to the N.S.D.A.P., and subsequently to treat as high treason the confession in favor of the "Anschluss".

Thus the first stage of battle commenced which ended with the July rising of 1934. The decision for the July rising was right, the execution of it was faulty. The result was a complete destruction of the organization; the loss of entire groups of fighters through imprisonment or flight into the "Alt-Reich"; and with regard to the political relationship of Germany to Austria, a formal acknowledgement of the existence of the Austrian State by the German Government. With the telegram to PAPEN, instructing him to reinstitute normal relationships between the two states, the Fuehrer had liquidated the first stage of the battle; and a new method of political penetration was to begin. By order of the Fuehrer the Landesleitung Munich was dissolved, and the party in Austria was left to its own resources.

There was no acknowledged leader for the entire party in Austria. New leaderships were forming in the nine Gaus. The process was again and again interrupted by the interference of the police; there was no liaison between the formations, and frequently there were two, three or more rival leaderships. The first evident, acknowledged speaker of almost all the Gaus in Autumn 1934 was engineer REINTHALLER (already appointed Landes-

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bauernfuehrer (leader of the country's farmers) by HESS)). He endeavoured to bring about a political appeasement by negotiations with the government, with the purpose of giving the N.S.D.A.P. legal status again, thus permitting its political activities,. Simultaneously Reinthaller started the reconstruction of the illegal political organization, at the head of which he had placed engineer NEUBACHER.

The first attempt to create a legal political organization which was to negotiate with the Government while a secret illegal organization existed, did not succeed; it brought about quarells in almost all Gaus and ended with pressure of the illegal branch against the policy of appeasement of REINTHALLER, and with the latters retirement as Landesleiter (country leader). The successor, NEUBACHER, head of the illegal organization, was not recognized by all the Gaus, because meanwhile the former Gauleader of Lower Austria, Captain LEOPOLD, was released from; and he claimed the country leadership because of his seniority in the party. In Carinthia at about that time, KLAUSNER with his collaborators GLOBOCNIK, RAINER, LONGHIN and PAWLOWSKI had reconstructed and readied the Gau Carinthia. The Gau Carinthia kept away from the quarells of the leaders, and arbitrated the differences between LEOPOLD and NEUBACHER, and finally effected a solution in such a way that NEUBACHER and his adherents recognized LEOPOLD as the country leader; and LEOPOLD appointed NEUBACHER to be his deputy. The points of friction between these two groups were not yet eliminated. Those differences did not remain concealed from the police; and the police got hold of a polemic by the group of Leopold against the group of Neubacher, on the strength of this material they arrested Leopold and Neubacher.

At that time the success of the calm attitude of the Gau Carinthia was crowned by the fact that after these arrests the representatives of all the Gaus came to Carinthia to offer KLAUSNER the country leadership. By order of Klausner Dr. Rainer reported at these conferences the political referendum and developed the political conception as adopted by the Gau Carinthia on the basis of which, as a matter of fact, an agreement was reached. In July 1935 KLAUSNER became the head of the movement without, however adopting the title of country leader because he considered it wrong as long as the country leader LEOPOLD was imprisoned, but he looked upon himself as the speaker of the college of Gauleaders. With the consent of the representatives of all the Gaus, KLAUSNER at that time appointed GLOBOCNIK as co-worker for the organizational part, and RAINER as co-worker for the political part of his task.

In August some further arrests took place, the victims of which were, apart from the Gauleaders, also Globocnik and Rainer. SCHATTENFROH then claimed, because of an instruction received from the imprisoned LEOPOLD, to have been made deputy country leader. A group led by engineer RAFFELSBERGER had at this time also established connections with departments of the Alt-Reich (Ministry of Propaganda, German Racial Agency, etc.) and made an attempt to formulate a political motto in the form of a program for the fighting movement of Austria. In Spring of 1936 SCHATTENFROH was arrested; he had named party member HINTERLEITNER of Linz as his successor as managerial country leader. In March KLAUSNER was arrested in connection with the arrest of about 60 leading Nazis, whereas Dr. RAINER was released. HINTERLEITNER again followed those directives which were set down at the conferences at Carinthia in the Spring of 1935; and in May 1936 he appointed RAINER, GLOBOCNIK and engineer HIEDLER to the country leadership in the following spheres of influence:

Rainer to be chief of the political staff; HIEDLER as chief of the organization; and GLOBOCNIK as liaison officer with the Reich and as organizer of all the auxiliary bases outside of Austria.

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TRANSLATION OF EXCERPTS FROM DOC. 812/PS.
OFFICE OF U S CHIEF OF COUNSEL

COPY

EXTRACTS OF REPORT ON EVENTS IN THE NSDAP OF AUSTRIA FROM 1933 TO 11 MARCH 1938 (ANSCHLUSS). GIVEN BY RAINER TO REICHSKOMMISSAR GAULEITER BURCKEL ON 6 JULY 1939.

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(pp. 5-6)

The principles of the construction of the organization were: The organization is the bearer of the illegal fight and the trustee of the idea to create a secret organization, in a simple manner and without compromise, according to the principle of organizing an elite to be available to the illegal Lead-party council upon any emergency. Besides this, all political opportunities should be taken and all legal people and legal chances should be used without revealing any ties with the illegal organization. Therefore, cooperation between the illegal party organization and the legal political aides was anchored at the top of the party leadership. All connections with the party in Germany were kept secret in accordance with the orders of the Führer. Those said that the German state should officially be omitted from the creation of an Austrian NSDAP. and that auxiliary centers for propaganda, press, refugees, welfare, etc. should be established in the foreign countries bordering Austria.

Hinterleitner already contacted the lawyer Seyss-Inquart, who had connections with Dr. Wachter which originated from Seyss-Inquart's support of the July uprising. On the other side Seyss-Inquart had a good position in the legal field and especially well-established relations with Christian-Social politicians. Dr. Seyss-Inquart came from the ranks of the "Styrian Heimatschutz" and became a party member when the entire "Styrian Heimatschutz" was incorporated into the NSDAP. Another personality who had a good position in the legal field was Col. Glaise-Horstenau who had contacts with both sides. The agreement of 11 July 1936 was strongly influenced by the activities of these two persons. Papen mentioned Glaise-Horstenau to the Führer as being a trusted person.

At that time the Führer wished to see the leaders of the party in Austria in order to tell them his opinion on what Austrian National-Socialists should do. Meanwhile Hinterleitner was arrested, and Dr. Rainer became his successor and leader of the Austrian party. On 16 July 1936, Dr. Rainer and Globocnik visited the Führer at the "Obersalzburg" where they received a clear explanation of the situation and the wishes of the Führer. On 17 July 1936, all illegal Gauleiters met in Anif near Salzburg, where they received a complete report from Rainer on the statement of the Führer and his political instructions for carrying out the fight. At the same conference the Gauleiters received organizational instructions from Globocnik and Hiedler.

(pp. 7-10)

Upon the proposal of Globocnik, the Führer named Lt. Gen. (Gruppenführer) Keppler as chief of the mixed commission which was appointed, in accordance with the state treaty of 11 July 1936, to supervise the correct execution of the agreement. At the same time Keppler was given full authority by the Führer for the party in Austria. After Keppler was unsuccessful in his efforts to cooperate with Leopold, he worked together with Dr. Rainer, Globocnik, Reinthaller as leader of the peasants, Kaltenbrunner as leader of the SS, and Dr. Jury as deputy-leader of the Austrian party, as well as with Glaise-Horstenau and Seyss-Inquart.

Regarding internal conditions, it was clear that full recognition of the party leadership was given by Seyss-Inquart. He was also in permanent contact with Capt. Leopold, and there were never any serious conflicts between them. But he also acknowledged the correctness of Dr. Rainer's political interpretations, and the personal leadership of Dr. Rainer in all political actions. The situation was much the same with Glaise-Horstenau who was wholeheartedly for Rainer and Globocnik but always carefully guarded the legal party position of Leopold.

Due to the cooperation of the above-mentioned people with group leader Keppler and other officials of the Reich and due to the activities of other covered contact-men in Austria, it was possible to obtain the appointment of Seyss-Inquart as "Staatsrat" (councillor of state) in July 1937. Due to the same facts, the Chancellor Dr. Schuschnigg was forced to take a new so-called "satisfactory action." Through all this a new and stronger political position was won in the Austrian system. The National-Socialist Party became acceptable again in the political field and became a partner with whom one had to negotiate, even when it was not officially incorporated into internal Austrian political developments. This complicated political maneuver, accompanied by the steadily increasing pressure from the Reich, led to the talks between the Führer and Schuschnigg at the Obersalzberg. Here Gruppenführer Keppler presented the concrete political demands of the fighting underground movement, which he estimated according to his personal experiences and the information he received. The results of these talks were the right of a free acknowledgment of the National Socialist movement on the one hand, and the recognition of an independent Austrian state on the other hand, as well as the appointment of Seyss-Inquart as Minister of Interior and Public Safety, as a person who will guarantee to both sides the proper carrying out of the agreements. In this way Seyss-Inquart occupied the key position and was in the center of all obvious political actions. A legal base in the government was won for the party. This resulted in a paralysis of the "system apparates" (Schuschnigg government) at a time when a revolution needed to be carried out. Through this, the basis for a new attack on the Schuschnigg government was won.

Another result of the agreement was the appointment by the Führer of Leopold as a member of the staff of Hess. After a long, personal talk with Klausner, the Führer appointed him as leader of the Austrian National Socialists, upon recommendation of Keppler. * * * The relationship between Seyss-Inquart and Klausner was as follows: Seyss-Inquart acknowledged unconditionally the party leadership and actions taken by it; and he also acknowledged Klausner as the leader of the party. As a party member he was under the command of Klausner and received orders from him. But as a result of the agreement at Berchtesgaden and the statement the Führer made to him during his state visit in Berlin, Seyss-Inquart was the personal trustee of the Führer and directly responsible to him for the illegal NSDAP in Austria within the confines of his political sphere. Seyss-Inquart also acknowledged the free political initiative of the party leader of Austria.

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The "Landesleitung" received word about the planned plebiscite through illegal information services, on 9 March 1938 at 10 a.m. At the session which was called immediately afterwards, Seyss-Inquart explained that he had known about this for only a few hours, but that he could not talk about it because he had given his word of honor to keep silent on this subject. But during the talks he made us understand that the illegal information we received was based on truth, and that in view of the new situation, he had been cooperating with the "Landesleitung" from the very first moment. Klausner, Jury, Rainer, Globocnik and Seyss-Inquart were present at the first talks which were held at 10 a.m. There it was decided that first , the Führer had to be informed immediately; secondly, the opportunity for the Führer to intervene must be given to him by way of an official declaration made by Minister Seyss-Inquart to Schuschnigg; and thirdly, Seyss-Inquart must negotiate with the government until clear instructions and orders were received from the Führer. Seyss-Inquart and Rainer together composed a letter to Schuschnigg, and only one copy of it was brought to the Führer by Globocnik, who flew to him on the afternoon of 9 March 1938.

* * * Negotiations with the government were not very successful. Therefore they were stopped by Seyss-Inquart in accordance with the instructions he received from the Führer. On the 10th of March all preparations for future revolutionary actions had already been made, and the necessary orders given to all unit leaders. During the night of the 10th to the 11th, Globocnik returned from the Führer with the announcement that the Führer gave the party freedom of action and that he would back it in everything it did.

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Ruling there were the draft Nurnberg Law Folder, the 15th of March, and exodus of Jews from Austria, to develop within the following days.

1st Case: Dr. Guderian will not be heard. In this case, a great demonstration must be held.

2nd Case: Schuschnigg will resist. In this case, a demonstration was ordered for Sunday over the Government Quarter.

3rd Case: No resistance. Fight to the finish. In this case, all party formations were ordered to set upon Austria's own territory, using all means to suppress the rebellion of power.

Dr. Seyss-Inquart then spoke to these talks with the Ambassadors.

On Friday, 11 March, the Ministers Glaise-Horstenau arrived in Vienna after a visit with the Führer. After talks with Seyss-Inquart he went to see the Chancellor at 11:30 a.m. The "Kronprinzessin" was the meeting at which Klausner, Reiner, et Secondi, Jury, Seyss-Inquardt, Glaise-Horstenau, Fischböck and Hillman participated. Dr. Seyss-Inquardt reported on his talks with Dr. Schuschnigg which had ended in a rejection of the proposal of the two ministers. * * * On the basis of wanton evidence which Glaise-Horstenau had brought with him, a leaflet, to be issued in millions of copies, and a telegram to the Führer asking for help were prepared.

Klausner placed the last group of the final political actions in the hands of Reiner and Dr. Secondi. Schuschnigg called a session of all ministers for 2:00 p.m. Reiner agreed with Seyss-Inquardt that Reiner would send the telegram to the Führer and the ultimatum to the population at 3:00 p.m. and at the same time he would start all necessary actions to take over power unless he received news from the deputy of the ministers' council before that time. During this time all measures had been prepared. At 2:30, Seyss-Inquardt phoned Reiner and informed him that Schuschnigg had been unable to take the pressure and had recalled the plebiscite. He had not refused to call a new plebiscite or to withdraw the extremely police measures for maintaining order. Reiner asked whether the two ministers had resigned, and Seyss-Inquardt answered "No". Reiner informed the "Kronprinzessin" and the German Embassy, and received an answer from Berlin through the same channels that the Führer will not consent to partial solutions and that Schuschnigg must resign. Seyss-Inquardt was informed of this by phone by Reiner and what both of were had between Seyss-Inquardt and Schuschnigg, remaining decisive. Seyss-Inquardt asked Reiner what measures the party wished to be taken. Reiner's answer: Reestablishment of the government by Seyss-Inquardt, legalization of the party, and calling up of two SS and SA regiments for the police forces. Seyss-Inquardt promised to have these measures carried out, but very soon the enforcement failed, and everything might be threatened by the resistance of Miklas. Meanwhile word arrived from the German Foreign Office that the Führer expected the establishment of a government under Seyss-Inquardt with a national majority, the legalization of the party, and permission for the Legion to return, all within the significant time of 7:30 p.m., otherwise, German troops would cross the border at 8:00 p.m. At 7:00 p.m., Reiner and Globocnik, accompanied by Hillmann, went to the Chancellor's office to carry out this errand. Situation: Miklas negotiated with Reiner for the creation of a government which included, Blues, Reds and National Socialists, and proposed the post of Vice-Chancellor to Seyss-Inquardt. The latter rejected it and told Reiner that he was not able to negotiate by himself because he was personally involved, and therefore a weak and unpleasant political situation might result. Reiner negotiated with Lemetre, Director of the cabinet Huber, Guido Schmidt, Glaise-Horstenau, Legation Councillor Stein, Military Attache General Muff, and the "Kronprinzessin" Reiner, who had arrived in the meantime, were also negotiating. At 7:30 p.m., Seyss-Inquardt entered the negotiations again. Situation at 7:30 p.m.: Stubborn refusal of Miklas to appoint Seyss-Inquardt as Chancellor, appeal to the world in case of a German invasion.

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Gruppenführer Keppler explained that the Führer did not yet have an urgent reason for the invasion. This reason must first be created. The situation in Vienna and in the country is most dangerous. It is feared that street fights will break out any moment, because Rainer ordered the entire party to demonstrate at 3 o'clock. Rainer proposed storming and seizing the government palace in order to force the reconstruction of the government. The proposal was rejected by Keppler but was carried out by Rainer after he discussed it with Glaise-Horstenau. After 5:00 p.m. the SA and SS marched in and occupied the government buildings and all important positions in the city of Vienna. At 8:30 p.m. Rainer, with the approval of Klausner, ordered all Gauleiters of Austria to take over power in all eight "Gaus" of Austria, with the help of the SS and SA and with instructions that all government representatives who try to resist should be told that this action was taken on order of Chancellor Seyss-Inquardt.

With this, the revolution broke out, and this resulted in the complete occupation of Austria within these hours and the taking over of all important posts by the party. * * *.

The seizure of power was the work of the party supported by the Führer's threat of invasion and the legal sounding of Seyss-Inquardt in the government. The national result in the form of the taking over of the government by Seyss-Inquardt was due to the actual seizure of power by the party on one hand, and the politically misleading of Dr. Seyss-Inquardt in his territory on the other; but both factors may be considered only in relation to the Führer's decision on 5 March 1938 to solve the Austrian problem under any circumstances and the orders consequently issued by the Führer.

6.7.1939 Rainer e.h.

CERTIFICATE OF TRANSLATION
OF EXCERPTS OF DOC. 812-PS

9 November 1945

I, WOLFGANG E. THORMANN, M/Sgt., 33779926, hereby certify that I am thoroughly conversant with the English and German languages, and that the above is a true and correct translation of excerpts from Document No. 812-PS.

WOLFGANG E. THORMANN
M/Sgt., 33779926.

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United Mexican States)
Mexico Federal District) SS
Embassy of the United)
States of America)

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GEORGE S. MESSERSMITH, being first duly sworn, deposes and says:

During the period 1930 to the late spring of 1934, I was Consul General of the United States of America in Berlin. During that period and particularly during the years 1933 and until my departure for Austria in the late spring of 1934, the nature of my work brought me into frequent contact with German Government officials. As background for this statement it is pertinent to state that this contact with German Government officals in the highest categories was necessary by me as Consul General, and some of my principal associates, because of the circumstances of the period.

In the period immediately preceding the coming into power of the National Socialists it was necessary for me and some of my principal associates in the Consulate General to have contact with high officials of the German Government because of the unsettled state of affairs in Germany due to the uncertain political situation; this involved difficulties for American firms of various kinds which made the intervention of the Consulate General in the line of its regular duty necessary. In addition to this contact with the officials of the Government, as a matter of further duty, I had contact with individuals in all parties in Germany in order to keep myself and therefore our Government currently informed with regard to developments in the political picture in Germany. During that period, and before the National Socialists came into power, I therefore had contact of an informal character with persons in the National Socialist Party for the purpose of securing information as to their aims and objectives, but that contact was, before the access to power of that party, with secondary rather than with the first ranking members thereof.

Immediately after the access to power of the National Socialist Government in the beginning of 1933, all sorts of steps of an arbitrary character were taken by the new Government and by its various agencies and dependencies which affected the rights of American citizens and property and in the carrying through of my official duty as Consul General I had the primary responsibility for the protection of American citizens and property. In consequence of this responsibility I had to see frequently almost all of the high ranking members of the German Government with the exception of Hitler and a very large number of officials below the rank of Minister. The nature of my duties was such that a considerable portion of my days had to be spent in visits on such officials to discuss the protection of American interests and property. Some of these secondary officials I had known before the Party came to power, for information purposes.

It is difficult to explain adequately in a statement of this kind the circumstances under which these officials of the Nazi German Government frequently took occasion to talk to me most frankly about matters of general Nazi policy and to discuss frankly and freely the aims and purposes of the Nazi regime. Frequently our conversations were long and difficult because of the matters which I had to present and on which I had to take the firmest stand. Not infrequently at the end of such official conversations they spoke freely and without any reserve with regard to the aims of the regime.

It is the more important to bring this out in this preliminary section of my statement because I did not at any time conceal from any of these Nazi officials my complete lack of sympathy with the course which they were pursuing not did I hesitate to say to them what I considered was the danger of the course which they were pursuing not only for Germany but for Europe and the rest of the world. Their freedom of expression to me was all the more interesting in view of the fact that I never hesitated to assert in the strongest possible way the rights of the United States and of its citizens when they were violated. It requires a knowledge of the circumstances of the time, of the character and psychology of these high Nazi and secondary Nazi officials to be able to appreciate that the fact that I was forthright in my views and did not hesitate to express them and particularly that we stood out so strongly for the rights of our country and our citizens that led them to respect me and my associates and to reveal to me more than they very probably revealed to other

foreign representatives. Whatever the reasons may have been, however, the Nazi Government officials, almost without exception from the highest to the lowest with whom I had contact, were on most occasions amazingly frank in their conversation and without any concealment of their aims.

(Omitted is a part of this affidavit in which Mr. Messersmith lists the names, and states his impressions of, the following:

1. Hermann Goering
2. General Milch
3. Hjalmar Schacht
4. Hans Frank
5. Wilhelm Frick
6. Count Schwerin von Krosigk
7. Joseph Goebbels
8. Richard Walther Darré
9. Robert Ley
10. Hans Heinrich Lammers
11. Otto Meissner
12. Franz von Papen
13. Walther Funk
14. General Wilhelm Keitel
15. Admiral Eric von Raeder
16. Admiral Karl Doenitz
17. Dr. Bohle
18. Dr. Stuckart
19. Dr. Krupp von Bohlen
20. Dr. Davidson)

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In the late spring or early summer of 1934, I cannot recall the exact date, I left my post as Consul General at Berlin to go to Vienna where I remained until the late spring of 1937. During my stay in Austria, I had intimate official and personal contact with the highest officials of the Austrian Government as well as with many of the secondary and lower ranking officials. I had this intimate contact with these officials of the Austrian Government from the very outset due undoubtedly to the fact that when I came to Austria it was already well known that I was an outspoken opponent of all that the Nazi Government and leaders stood for. In consequence, even though I was the Minister of a country which was considered in Austria as having no immediate concern in Austria's foreign relations, I received much information from the many Austrian officials on developments in Austro-German relations and in their relations with other countries in Europe. Among those whom I saw frequently and from whom I obtained information were the following:

President Miklas
Chancellor Dollfuss
Chancellor Schuschnigg
Foreign Minister Berger-Waldenegg
Police President and Minister of
Security, Hofrat Skubl.

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In addition, I should add that there were both in Berlin and in Vienna a corps of correspondents, many of whom were of outstanding ability and with whom I was in frequent contact.

Finally, I should say that during my stay in Austria I made fairly frequent trips to Berlin and on many of these saw and talked with the same persons whom I had known during my residence there as Consul-General. Thus I maintained my German sources of information as well as acquiring new Austrian ones.

I feel fully qualified, therefore, to speak with authority on the matters which follow in this statement. The specific conversations and events which I recite are, of course, specific facts which I set forth here as facts. As to many of them, I have refreshed my recollection as to details from contemporaneous reports and letters which I wrote during this period. The opinions which I offer are, I believe, fully warranted by the sum total of information which I received from all sources.

From the very beginnings of the Nazi Government, I was told by both high and secondary Government officials in Germany that incorporation of Austria into Germany was a political and economic necessity and that this incorporation was going to be accomplished "by whatever means were necessary". Although I cannot assign definite times and places, I am sure that at various times and places every one of the German officials whom I have listed earlier in this statement told me this, with the exception of Schacht, von Krosigk and Krupp von Bohlen. I can assert that it was fully understood by everyone in Germany who had any knowledge whatever of what was going on that Hitler and the Nazi Government were irrevocably committed to this end and the only doubt which ever existed in conversations or statements to me was "how" and "when".

At the beginnings of the Nazi regime in 1933, Germany was, of course, far too weak to permit any open threats of force against any country, such as the threats which the Nazis made in 1938. Instead it was the avowed and declared policy of the Nazi Government to accomplish the same results which they later accomplished through force through the methods which had proved so successful for them in Germany - obtain a foothold in the Cabinet, particularly in the Ministry of the Interior which controlled the police, and then quickly eliminate the opposition elements. During my stay in Austria I was told on any number of occasions by Chancellor Dollfuss, Chancellor Schuschnigg, President Miklas and other high officials of the Austrian Government that the German Government kept up constant and unceasing pressure upon the Austrian Government to agree to the inclusion of a number of Ministers with Nazi orientation. The English and French Ministers in Vienna with whom I was in constant and close contact confirmed this information through statements which they made to me of conversations which they had with high Austrian officials.

In order to compel the Austrian Government to accept their terms the Nazis resorted to almost every conceivable measure, including economic pressure, propaganda, and most important of all, terroristic acts. My information concerning these terroristic outrages came partly from official communiqués of the Austrian Government, partly from responsible news sources, and to a very considerable extent from Skubl, the Police President and later Minister of Public Security, whom I saw frequently and knew well. The Austrian secret police under the direction of Skubl, it should be noted, was one of the most efficient in all of Europe.

The outrages were an almost constant occurrence, but there were three distinct periods during which they rose to a peak. During the first two of these periods -- in mid-1933, and in early 1934--I was still in Berlin. However, during that period I was told by high Nazi officials in conversation with them that these waves of terror were being instigated and directed by them. I found no concealment in my conversations with high Nazi officials of the fact that they were responsible for these activities in Austria. These admissions were entirely consistent with the Nazi thesis that terror is necessary and must be used to impose the will of the Party not only in Germany but in other countries. I recall specifically that General Milch was one of those who spoke frankly that these outrages in Austria were being directed by the Nazi Party and expressed his concern with respect thereto and his disagreement with this definite policy of the Party.

During the wave of terroristic acts in May and June 1934, I had already assumed my duties as American Minister in Vienna. The bomb outrages during this period were directly primarily at railways, tourist centers, and the Catholic Church, which latter, in the eyes of the Nazis, was one of the strongest organizations opposing them. I recall, however, that these outrages diminished markedly for a few days during the meeting of Hitler and Mussolini in Venice in mid-June 1934. At that time Mussolini was strongly supporting the Austrian Government and was strongly and deeply interested in maintaining Austrian independence and sovereignty and in keeping down Nazi influence and activity in Austria. At that time also Hitler could not afford an open break with Mussolini and undoubtedly agreed to the short cessation of these bomb outrages on the insistence of Mussolini because he, Hitler, wished to achieve as favorable an atmosphere for the meeting between him and Mussolini as possible. The cessation of the bomb outrages during the Hitler-Mussolini conversations was considered by me and by the Austrian authorities and by all observers at that time as an open admission on the part of Hitler and the German Government that the outrages were systematically and completely instigated and controlled from Germany.

While I cannot recall at this time the details of the terroristic acts, they were fully reported in the Legation despatches of the period. These reports were based upon intimate and frequent contact with high Austrian officials and many of the details I received from the then head of the Austrian Police, Dr. Skubl. While there was no doubt whatever that these outrages had been conducted and directed by Germany, there was ample evidence as to the origin of the outrages from the fact that fragments of the bombs collected by the Austrian police showed that they were of German manufacture and had been introduced from Germany into Austria. While I do not recall having seen any of these bomb fragments myself, I recall specifically having been told by high Austrian authorities that they had seen them and that there was no doubt as to the origin of the bombs. A further proof that these outrages were directed from Germany, although in most cases the bombs were actually planted by Austrian Nazis, is found in the fact that the records of the Vienna Police and Courts at the time will show that when some of these Nazis were arrested they declared proudly that they had committed these acts.

At various times I or A. W. Kliefoth, Counselor of the Legation, reported on these outrages because of their significance. Quotations from some of these despatches are as follows:

"Trunks containing inflammable material were placed in the three leading railway stations of Vienna and timed to explode simultaneously on the evening of May 6. The damage was very slight. The police charged the Nazis with the Crime.

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"An official communique, dated May 10, announced that on the previous evening a bomb was exploded near the Philadelphia Bridge in Vienna, wounding two persons. The same evening a bomb was exploded in one of the local beer gardens, at which a picnic of the Heimwehr was being held, slightly wounding a woman".

Official despatch from Vienna dated May 15, 1934.

"During the past week the continuation of the Nazi terrorist activities in bombing public places and railway lines, with the object of damaging the Austrian tourist trade, some of which are described below, was the source of serious concern to the authorities. This terrorism was carried out according to a well organized plan, undouttedly conducted by Nazi agents in Germany. The explosives used by the Nazis during the past week, according to the Foreign Office, were all manufactured in Germany and smuggled into Austria."

"In a communique dated May 24, the authorities also admitted a number of other bomb outrages at Braunau, Bad Ischl and Dorf an der Pram. While the damage to both life and property was small - no lives were lost - the Government admitted its inability to cope with the situation with the existing measures of security . . . .

"The authorities further confirmed officially, on May 25, a bomb explosion on May 23 in the residence of the Archbishop of Salzburg, which caused considerable damage. At Morzg, near Salzburg, on May 23, a bomb explosion wrecked a flower-kiosk, causing damages amounting to 10,000 schillings. A nine year old child was severely injured in Anloiten, near Ried."

Official Despatch from Vienna dated May 29, 1934.

"The Nazi terrorist outrages continued during the past week in spite of the Government's notification regarding the application throughout Austria of martial law for crimes of public violence. These crimes, now punishable by death, include malicious acts against public order, and damage to the railway, telegraph, telephone and wireless services of the State.

"The new development in the recent outrages was that many of the acts were directed against the property of the Roman Catholic Church, which in the eyes of the Nazis was the strongest organization opposing the Nazi regime.

"In addition to the attempted bombing of the Archbishop's palace in Salzburg, a few days previously, a bomb was exploded on May 20 in an annex to the Archbishop's palace in Feldkirch, which caused minor damages. The police charged Nazis with the outrages and arrested a number of suspects. During the night of May 27, a bomb explosion broke windows in the churches and vicarage of St. Paul in Carinthia.

"In Linz, on May 26, a bomb exploded before the entrance of one of the schools, breaking 44 windows. The school was empty at the time the outrage was committed. During the same night, an attempt was made to blow up the electric works at Braunau, causing a temporary suspension of the electric service.

"Other outrages, not reported by the press, included an attempt to blow up one of the bridges over the Danube in Vienna on May 30, a bomb explosion in one of the popular cafes, and numerous bombings of telephone and newspaper kiosks."

Official Despatch from Vienna dated June 4, 1934.

"The National Socialist terrorism in Austria, which started slowly and cautiously several weeks ago, culminated in a heavy and rather serious outbreak on June 8 to June 11, threatening not only the peace

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and security of the country, but the foreign tourist trade, an exceedingly important item in Austria's economic life. The attempts to wreck the railway lines near Vienna and in other parts of Austria, as well as terrorist outrages in the principal tourist centers, occupied the attention of the Government above all other matters. After a number of important cabinet sessions, new measures were adopted to counteract the terrorism, and the matter was also the subject of diplomatic conversations between Austria and Germany."

Official Despatch from Vienna dated June 13, 1934.

"The outrages in Austria during the week ending June 23, while almost as numerous as in the week preceding, were less violent in character. The attacks were directed, as heretofore, against the quarters of anti-Nazi associations and persons, public utilities, but less against the railway communications. Additional stores of expolsive materials were uncovered in Vienna and elsewhere."

. . . . . .

"A recent terrorist explosion in the Vienna School of Agronomy caused damages amounting to about 40,000 schillings. As a result of the Nazi outrages, the school has been closed for one week.

"In an attempted bomb attack on the post office in Bregenz, the capital of the Province of Vorarlberg, the police seized a supply of explosives bearing labels of "Sprengstoffwerke Kloster Lechfeld, G.m.b.H.", "Dynamit A.G. Hamburg, Alfred Nobel & Co.", and "Fabrik Wurzendorf", explosive factories domiciled in Germany.

Official Despatch from Vienna dated June 25, 1934.

"During the week ending June 30 there were less terrorist outrages of major importance, but the number of small outrages, bomb explosions, attacks on electric, water, and railway establishments had not decreased. The principal attacks were directed against Catholic institutions, ex-National Socialists, and the city of Salzburg. The purpose in the latter case was to frighten foreign tourists away from the Summer Music Festivals at Salzburg.

"A bomb which exploded in the Roman Catholic vicarage in Kapfenberg, in the Province of Styria, on June 24, resulted in the death of the Chaplain, Reverend Franz Eibel. Several other persons were slightly injured. The death was one of terrorism, although there were several cases of attacks. Likewise there were attacks on other Church institutions in different parts of the country.

"A series of outrages were reported on June 28 from Salzburg and adjoining tourist centers. Bombs were exploded in the market place and elsewhere, and attempts were made to blow up the electric and railway communications. The outrages were particularly directed at Salzburg at this time in view of the forthcoming Summer Festivals, which ordinarily attract thousands of non-German tourists. Similar attacks were made the same day in the Provinces of Vorarlberg and Tyrol."

Official Despatch from Vienna dated July 3, 1934.

"A series of lesser outrages were reported from all parts of Austria on Sunday, July 15. A large amount of explosives were stolen from a shop in Glogenitz; the director of the institution was fined 600 schillings and sentenced to two weeks imprisonment for negligence in guarding the supplies. In Unterkirchen, on July 17, a bomb explosion damaged the local vicarage and the electric works. On July 18 a bomb explosion in Innsbruck injured one person, whereas in St. Kathrein a house was damaged. In Vienna on July 18 a public telephone was damaged, and set on fire. The perpetrator, a National Socialist, was immediately apprehended by the Police. At Edlach, a summer resort about 100 kilometers from Vienna, an attempt was made to bomb the railway. A similar attempt was made in a Tyrolian mountain railway station."

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Official Despatch from Vienna dated July 26, 1934.

In addition to these outrages, the Nazis attempted to bring pressure upon Austria by means of the "Austrian Legion". This organization, a para-military force of several thousand men, was stationed near the Austrian border in Germany as a constant and direct threat of violent action against Austria. It was without any question sanctioned by the Nazi Government of Germany as it could otherwise not have existed, and it was armed by them. It was made up of Austrian Nazis who had fled from Austria after committing various crimes in Austria and by Austrians in Germany who were attracted by the idle life and pay given by the German authorities.

After the July Putsch, in August 1934, in Vienna I was told by the British Military Attache in Vienna of a conversation which he had had with the German Military Attache in Vienna, General Muff. It may be observed here that to my knowledge General Muff was a rather influential person in Germany and one who played a preponderant role in the German Legation in Vienna. General Muff told the British Military Attache that he had just been in Germany and had spent three days with Hitler at Berchtesgaden, during which time he had had several conversations with Hitler. He said then - in August 1934 - that the Austrian Legion had not yet been dissolved and that Hitler had talked at length with him about the Legion. General Muff did not deem it worth while to conceal to the British Military Attache the fact that the Austrian Legion had been armed and that the Nazis had armed it. I saw General Muff later myself and received the same impression as to these facts although he was not as frank and direct in his statements with me as he had been with the British Military Attache.

The events of the Putsch of July 25, 1934, are too well known for me to repeat them in this statement. I need say here only that there can be no doubt that the Putsch was ordered and organized by the Nazi officials from Germany through their organization in Austria made up of German Nazis and Austrian Nazis. Dr. Rieth, the German Minister in Vienna, was fully familiar with all that was going to happen and that was being planned. The German Legation was located directly across the street from the British Legation and the Austrian secret police kept close watch on the persons who entered the German Legation. The British had their own secret service in Vienna at the time and they also kept a discreet surveillance over people entering the German Legation. I was told by both British and Austrian officials that a number of the men who were later found guilty by the Austrian Courts of having been implicated in the Putsch had frequented the German Legation. In addition, I personally followed very closely the activities of Dr. Rieth and I never doubted on the basis of all my information that Dr. Rieth was in close touch and constant touch with the Nazi agents in Austria; these agents being both German and Austrian. Dr. Rieth could not have been unfamiliar with the Putsch and the details in connection therewith. I recall too very definitely from my conversations with the highest officials of the Austrian Government after the Putsch, their informing me that Dr. Rieth had been in touch with von Rintelen, who it had been planned by the Nazis was to succeed Chancellor Dollfuss had the Putsch been successful.

It may be that Dr. Rieth was himself not personally sympathetic with the plans for the Putsch but there is no question that he was fully familiar with all these plans and must have given his assent thereto and connived therein.

As this Putsch was so important and was a definite attempt to overthrow the Austrian Government and resulted in the murder of the Chancellor of Austria, I took occasion to verify at the time for myself various other items of evidence indicating that the Putsch was not only made with the knowledge of the German Government but engineered by it. I found and verified that almost a month before the Putsch, Goebbels told Signor Cerruti, the Italian Ambassador in Berlin, that there would be a Nazi Government in Vienna in a month. On the evening before the Putsch, a pamphlet appeared in the streets of Berlin from which it appeared that the

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Nazi Government had full knowledge of what was planned the next day in Vienna. An attempt was made by the German authorities in Berlin to suppress this pamphlet and this effort was partly successful but copies of it were available at the time and I recall an officer of our Embassy in Berlin, whose name I cannot specifically recall at this time, informing me that he had seen a copy thereof. Articles also appeared in some of the German papers of July 25, indicating that they had information as to the time that the Putsch was to take place. I will not go into detail as to the character of the evidence but there is no question from the historical record and the facts as known to me from direct knowledge at the time that the Putsch was engineered and directed by the German Government from Berlin and Munich.

For two years following the failure of the July 25 Putsch, the Nazis remained relatively quiet in Austria. Very few terroristic acts occurred during the remainder of 1934 and as I recall in 1935 and most of 1936; this inactivity was in accordance with directives from Berlin as direct evidence to that effect, which came to my knowledge at that time, proved. Early in January, the Austrian Foreign Minister, Berger-Waldenegg, furnished me a document which I considered accurate in all respects and which stated:

"The German Minister here, von Papen, on the occasion of his last visit to Berlin, was received three times by Chancellor Hitler for fairly long conversations, and he also took this opportunity to call on Schacht and von Neurath. In these conversations the following instructions were given to him:

"During the next two years nothing can be undertaken which will give Germany external political difficulties. On this ground, everything must be avoided which could awaken the appearance of Germany interfering in the internal affairs of Austria. Chancellor Hitler will, therefore, also for this reason not endeavor to intervene in the present prevailing difficult crisis in the National Socialist Party in Austria, although he is convinced that order could be brought into the Party at once through a word from him. This word, however, he will, for foreign political reasons, give all the less, as he is convinced that the, for him, desirable ends may be reached also in another way. Naturally, Chancellor Hitler declared to the German Minister here, this does not indicate any disinterestedness in the idea of Austria's independence. Also, before everything, Germany cannot for the present withdraw Party members in Austria, and must, therefore, in spite of the very real exchange difficulties, make every effort to bring help to the persecuted National Socialist sufferers in Austria. As a result, Minister of Commerce Schacht finally gave the authorization that from then on 200,000 marks a month were to be set aside for this end (support of National Socialists in Austria). The control and the supervision of this monthly sum was to be entrusted to Engineer Reinthaler, who, through the fact that he alone had control over the money, would have a definite influence on the Party followers. In this way it would be possible to end most quickly and most easily the prevailing difficulties and division in the Austrian National Socialist Party.

"The hope was also expressed to Herr von Papen that the recently authorized foundation of German 'Ortsgruppen' of the National Socialist Party in Austria (made up of German citizens in Austria) would be so arranged as not to give the appearance that Germany is planning to interfere in Austrian internal affairs.

"He was also informed that an effort would be made through the easing of the Auslandesperre, particularly with reference to the more westerly Austrian Alps sections, so that to the German-Austrian Alpenverein (Alps Association) a particular role was to be given. The easing of the Auslandesperre was naturally only to be accorded to those who obligated themselves to visit the more westerly Austrian Alps sections and to go to fixed towns and live in specified hotels or inns."

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This policy of the Nazis was dictated solely by considerations of expediency. The basic aim of achieving Anschluss remained wholly unchanged. The brutal murder of Dollfuss, the Austrian Chancellor, and the unquestioned direct attack on Austrian sovereignty through the Putsch, directed by the German Government from Germany, had so shocked public opinion in Austria and in Europe that the Nazis could not afford for the time being to take open action.

That the policy of Anschluss remained wholly unchanged was confirmed to me by Franz von Papen when he arrived in Vienna as German Minister. It will be recalled that he accepted this assignment as German Minister even though he knew that he had been marked for execution in the St. Barthlomew's massacre on June 30, 1934. When, in accordance with protocol, he paid me a visit shortly after his arrival in Vienna, I determined that during this call there would be no reference to anything of importance and I limited the conversation strictly to platitudes which I was able to do as he was calling on me in my office. I deemed it expedient to delay my return call for several weeks in order to make it clear to von Papen that I had no sympathy with and on the other hand was familiar with the objectives of his mission in Austria. When I did call on von Papen in the German Legation, he greeted me with "Now you are in my Legation and I can control the conversation". In the baldest and most cynical manner he then proceeded to tell me that all of Southeastern Europe, to the borders of Turkey, was Germany's natural hinterland, and that he had been charged with the mission of facilitating German economic and political control over all this region for Germany. He blandly and directly said that getting control of Austria was to be the first step. He definitely stated that he was in Austria to undermine and weaken the Austrian Government and from Vienna to work towards the weakening of the Governments in the other states to the South and South East. He said that he intended to use his reputation as a good Catholic to gain influence with certain Austrians, such as Cardinal Innitzer, towards that end. He said that he was telling me this because the German Government was bound on this objective of getting this control of Southeastern Europe and there was nothing which could stop it and that our own policy and that of France and England was not realistic.

The circumstances were such, as I was calling on him in the German Legation, that I had to listen to what he had to say and of course I was prepared to hear what he had to say although I already knew what his instructions were. I was nevertheless shocked to have him speak so baldly to me and when he finished I got up and told him how shocked I was to hear the accredited representative of a supposedly friendly state to Austria admit that he was proposing to engage in activities to undermine and destroy that Government to which he was accredited. He merely smiled and said, of course this conversation was between us and that he would, of course, not be talking to others so clearly about his objectives. I have gone into this detail with regard to this conversation as it is characteristic of the absolute frankness and directness with which high Nazi officials spoke of their objectives.

Nazi activities, forced underground in this period, were by no means neglected. The Party was greatly weakened for a time as a result of the energetic measures taken against the Putsch and as a result of the public indignation. Reorganization work was soon begun. In October 1934 the Austrian Foreign Minister, Berger-Waldenegg, furnished me the following memorandum, which he told me had been supplied to the Austrian Government by a person who participated in the meeting under reference.

"A meeting of the chiefs of the Austrian National Socialist Party was held on the 29th and 30th of September, 1934, at Bad Aibling in Bavaria.

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"The meeting occupied itself principally with the reorganization of the Austrian National Socialist Party and particularly with the measures to be taken to this end in the Tirol.

"Measures were decided upon as to the means to be used to create better contact between the party leadership and its members as well as with respect to new propaganda measures.

"One principal point on the agenda had reference to the preparatory measures to be taken for taking over the power in Austria. It was decided to give to all of the Party headquarters in Austria instructions preparatory to new terroristic acts. The necessary material, however, is nevertheless until new instructions are issued not to be transported from the German border into Austria, but shall be kept assembled at appropriate places on the German side of the entire Austro-German frontier.

"From a report received by the Party chiefs on the situation in Vienna and upper Styria, it is established that agreements have been concluded with the Communists and with the Socialists with respect to a uniform and common procedure.

"The agents of the Party Direction in Germany have received orders in every Austrian district to prepare lists of all those persons who are known to actively support the present Government and who are prepared closely to cooperate with it.

"When the next action against the Government takes place those persons are to be proceeded against just as brutally as against all those other persons, without distinction of party, who are known to be adversaries of National Socialism.

"In a report of the Party leaders for Austria the following principles have been emphasized:

"A. The taking over of the power in Austria remains the principal duty of the Austrian National Socialist Party. Austria has for the German Reich a much greater significance and value than the Saar. The Austrian problem is the problem. All combat methods are consecrated by the end which they are to serve.

"B. We must on every occasion which presents itself appear to be disposed to negotiate, but arm at the same time for the struggle. The new phase of the struggle will be particularly serious and there will be this time two centers of the terror, one along the German frontier and the other along the Yugoslav frontier."

The Austrian Legion was kept in readiness in Germany. Although it was taken back some miles further from the Austrian frontier, it remained undissolved in spite of the engagement which had been taker to dissolve it. The Austrian Government received positive information to this effect from time to time which it passed on to me and I had direct information to the same effect from reliable persons coming from Germany to Vienna who actually saw the Legion.

On the surface, however, German activities consisted principally of efforts to win the support of prominent and influential men through insidious efforts of all kinds, including the use of the German Diplomatic Mission in Vienna and its facilities and personnel

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Von Papen as German Minister entertained frequently and on a lavish scale. He approached almost every member of the Austrian Cabinet, telling them, as several of them later informed me, that Germany was bound to prevail in the long run and that they should join the winning side if they wished to enjoy positions of power and influence under German control. Of course, openly and outwardly he gave solemn assurance that Germany would respect Austrian independence and that all that she wished to do was to get rid of elements in the Austrian Government like the Chancellor, Schuschnigg and Starhemberg as head of the Heimwehr and others, and replace them by a few "nationally-minded" Austrians, which of course meant Nazis. The whole basic effort of von Papen was to bring about Anschluss.

In early 1935, the Austrian Foreign Minister, Berger-Waldenegg, informed me that in the course of a conversation with von Papen, the latter had remarked "Yes, you have your French and English friends now and you can have your independence a little longer". The Foreign Minister, of course, told me this remark in German but the foregoing is an accurate translation. The Foreign Minister told me that he had replied to von Papen "I am glad to have from your own lips your own opinion which agrees with what your chief has just said in the Saar and which you have taken such pains to deny." Von Papen appeared to be terribly upset when he realized just what he had said and tried to cover his statements, but according to Berger-Waldenegg, kept constantly getting into deeper water.

Von Papen undoubtedly achieved some successes, particularly with men like Glaise-Horstenau and others who had long favored the "Grossdeutschum" idea, but who nevertheless had been greatly disturbed by the fate of the Catholic Church. Without conscience or scruple, von Papen exploited his reputation and that of his wife as ardent and devout Catholics to overcome the fears of these Austrians in this respect.

Developments in the fall of 1935 and the spring of 1936 gave Germany an opportunity to take more positive steps in the direction of the Nazification of Austria. Italy, which had given Austria assurance of support of the most definite character against external German aggression, and on one occasion, by mobolizing her forces, had undoubtedly stopped German aggressive action which had been planned against Austria, embarked on her Abyssinian adventure. This and the reoccupation of the Rhineland in 1936 completely upset the balance in Europe. The French and the British Minister informed me that as early as August 1935, they had informed their Governments, on the basis of conversations with the Austrian Foreign Minister, that if there was to be any Danubian Pact, it would have to come into being rapidly for the Austrian Government would be forced to negotiate with Germany even though it would have no confidence that any such agreement arrived at would be respected.

The result of all these forces was the Austro-German accord of July 11, 1936, the public text is as follows:

> "Convinced that they are thereby rendering a valuable contribution toward the peaceful development of Europe, and believing that they are thereby doing the best service to the various common interests of the two German States, the Government of the German Reich and the Government of the Austrian Federal State have decided to restore normal and friendly mutual relations.
>
> "It is therefore declared:
>
> "(1) In the sense of the statement made by the Führer and Reich Chancellor on May 21, 1935 the German Government

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recognizes the full sovereignty of the Federal State of Austria:[1]

"(2) Each of these two Governments shall regard the internal political conditions of the other country, including the question of Austrian National-Socialism, as a domestic concern of that country, upon which it will exert neither direct nor indirect influence:

"(3) The Austrian Federal State Government's general policy and its policy toward Germany in particular shall be constantly guided by the Principle that Austria recognizes herself to be a German State. The Rome Protocol of 1934, together with its additional clauses of 1936, and the relations of Austria to Italy and Hungary, as partners in the said protocols are not hereby affected.

"Recognizing that the relaxation of tension desired by both parties can be brought about only if in addition certain preliminary conditions are established by the Governments of both countries, the Reich Government and the Austrian Federal Government shall in a series of detailed measures create these required preliminary conditions."

Even more important than the terms of the agreement published in the official communique, was the contemporaneous informal understanding, the most important provisions of which were, that Austria would (1) appoint a number of individuals enjoying the Chancellor's confidence but friendly to Germany to positions in the Cabinet; (2) would devise means to give the "national opposition" a role in the political life of Austria and within the framework of the Patriotic Front, and (3) would amnesty all Nazis save those convicted of the most serious offenses. This amnesty was duty announced by the Austrian Government and thousands of Nazis were released, and the first penetration of the Deutsche Nationaler into the Austrian Government was accomplished by the appointment of Dr. Guido Schmidt as Secretary of State for Foreign Affairs, and of Dr. Edmund Glaise-Horstenau as Minister without portfolio.

The significance of these arrangements can best be explained by quoting from an official despatch which I wrote in October 1934 when concern was being expressed with regard to conversations which Chancellor Schuschnigg was reported as having with the "moderate Nazis", Reinthaller and Riehl. I then reported as follows:

"It is obvious, however, that in view of certain well known facts, these conversations will be followed with interest. A major consideration which will not be disregarded is the fact that Chancellor Hitler himself has

1. On May 1935, in a speech in the Reichstag, Hitler had stated with respect to Austria (I quote from Documents on International Affairs, Vol. I. 1935, published by the Royal Institute of National Affairs, (London, 1936) p. 171):

"Germany neither intends nor wishes to interfere in the internal affairs of Austria, to annex Austria, or to conclude an "Anschluss". The German people and the German Government have, however, the very comprehensible desire, arising out of a simple feeling of solidarity due to a common national descent--namely, that the right to self-determination should be guaranteed, not only for foreign nations but to the German people everywhere. I myself believe that no regime which does not rest on public consent and is not supported by the people can continue permanently."

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always been in favor of indirect rather than direct action in bringing Austria into the German picture. It is his belief that the way to be followed is to get representatives of the National Socialist Party into the penetration. It is an indication of political astuteness, for it is quite certain, in the opinion of many objective observers, that if once a militant, even though small, National Socialist minority gets representation in the Cabinet, it will be the forerunner of absorption. To explain why this is so is rather difficult, as it requires a full appreciation of many factors at play in Germany and in Austria. Briefly, however, it may be epitomized in the terroristic policy which is one of the primary principles of National Socialism. Even before July 25, when the National Socialist Party was legally prohibited, it was very difficult to get proper police and judicial action against National Socialists who committed terroristic acts or who were plotting against the Government. This inaction came, not through sympathy with the movement or through lack of definite knowledge of overt acts, but through fear - through fear of reprisals when a National Socialist regime might come, and that if it did come, those who had proceeded, even though in the line of duty, against National Socialists, would be dealt with with the barbarity and intolerance with which National Socialism has treated its opponents in Germany. The determined attitude of the Government after July 25, strengthened the administration of justice and of the security forces, and this changed attitude came about as a result not only of the feeling within the country that National Socialism would not come now, but also as a result of the action of the powers in support of the independence of Austria. Should the conversations which the Government is having with the National Socialist groups reawaken this fear, or should there be any weakening of the attitude of the Government towards National Socialist be admitted even to indirect or subordinate participation in the Government, it would undoubtedly bring back this fear in an even more acute form and bring into what element of weakness.

"The fact that these conversations are taking place need, therefore, not be considered as being intrinsically a disturbing factor in the internal and external situation of Austria, but should these National Socialist elements in the Government, there is reason for the gravest concern, not only so far as the internal situation in Austria is concerned, but this might become the focal point of disturbance without the country..."

The sequel of the agreement was the only one which could have been expected in view of all the facts and previous recorded happenings. Active Nazi operations in Austria were resumed under the leadership of a certain Captain Leopold, who it was known definitely was in frequent touch with Hitler. The Nazi program was now to form an organization through which the Nazi could carry on their operations openly and with legal sanction in Austria. There were formed in Austria several organizations which had a legal basis but which were simply a device by which the Nazis in Austria could organize, and later seek inclusion as a unit in the Patriotic Front. The most important of these was the Ostmarkischer Verein, the sponsor of which was the Minister of the Interior Glaise-Horstenau. Through the influence of Glaise-Horstenau and the pro-Nazi Neustadter-Sturmer, this organization was declared legal by the Courts. I made specific mention of the foregoing because it shows the degree to which the situation in Austria had disintegrated as a result of the underground and open Nazi activities directed from Germany.

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Even more open recognition of the Nazis was demanded. In January 1937, Captain Leopold submitted a memorandum of Nazi demands, which, though not formally received, were known to and considered by the Austrian Cabinet.

The Leopold memorandum is as follows:

For the Internal Pacification of Austria.

(In Mr. Messersmith's affidavit there appears at this point the body of Captain Leopold's lengthy memorandum. It includes Captain Leopold's statement of the existing situation in Austria. It includes the following demands: (1) An amnesty for all punishments or privations suffered for National Socialist or National activity or sympathy; (2) equal treatment for National Socialists, including freedom of political activity and cultural activity; abolition of laws and sanctions used by the Government against Nazi activity. The memorandum advocates cooperation on the basis of political principles including: A broadening of the Patriotic Front; changes in the Cabinet; an alliance with the Reich; common racial stock as a political aim, and the application of anti-Semitic measures; an early plebiscite on Anschluss.)

Later, a petition circulated by Leopold was submitted to the Austrian Government, demanding authorization to form a "nationalistic party", which was to be incorporated as a group in the Political Front. It was a Party which its sponsorship plainly marked as openly Nazi. Pressure for the acceptance of these demands was exercised by staging frequent demonstrations and circulating propaganda, all of which was financed in and from Germany. Even as soon after July 11 as July 29, 1936, when the Olympic Torch was carried through the streets of Vienna, there were violent Nazi disorders. From then on, and until Austrian sovereignty was destroyed, there were constant arrests and trials of persons accused of distributing illegal literature or staging illegal demonstrations, accompanied by numerous press comments of more or less violence.

The Austrian Government sought to counteract this pressure in some way by allowing activity in favor of a restoration of the Hapsburgs. On his visit to Vienna in late February 1937, von Neurath took occasion to register Germany's emphatic opposition to any such move. I remember von Neurath's visit very clearly. I had known him well and was on friendly terms with him while I was stationed in Berlin. At that time and after the Nazi came into power, he had told both Ambassador Dodd and me that he had remained as Foreign Minister when the Nazi came into power in order that he might exercise "a restraining influence" and render service to his country. This may have been the initial motive of von Neurath but he rapidly became one of the most complete and in some ways effective instruments of the Nazis. If he was not in accord with what they did, he was a perfect instrument in helping to carry it through.

Although I had known him well in Berlin and had on occasions been in his house in small gatherings, when he came to Vienna in 1937, there were a number of ceremonies and receptions given by the Austrian Government to which the Diplomatic Corps was invited. When he met me at these meetings he treated me with great coolness and even disdain, knowing my complete lack of sympathy with the program to which he had committed himself, and this manner of treating me with disdain and open disregard was probably his way of protecting himself and his own feelings of shame. Shortly after the visit of von Neurath, Chancellor Schuschnigg in my conversations with him told me that in his conversations with von Neurath, during the visit, Von Neurath had been just as bad as if Habicht or Frauenfeld had been talking when they had discussed the German demands for the inclusion of Nazis in the Austrian Cabinet.

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About the same time, Schuschnigg made some concessions to ease the pressure from the Nazis. In February, he appointed a so-called "Committee of Seven", consisting among others of Dr. Jury and a man named Tavs, to discuss "nationalistic ambitions" with him. In June, following the visit of Glaise-Horstenau and General Kreus and Leopold to Hitler in Berlin, and the increased Nazi activities following, Schuschnigg appointed Seyss-Inquart and Dr. Pembauer to devise a means whereby the "Nationalists" could be incorporated into the Patriotic Front.

Dr. Seyss-Inquart himself was a prominent Vienna Lawyer, who had long been an intimate personal friend of Chancellor Schuschnigg. The Chancellor himself told me on various occasions that Dr. Seyss-Inquart had frequently attempted to convince him that the admission of the Nazi into the Austrian Cabinet would be for the best interest of Austria, in that it would relieve the pressure on Austria by Germany, and that he (Seyss-Inquart) at all times professed a sincere desire to maintain the independence of Austria. I had little personal contact with Seyss-Inquart but I knew from various sources absolutely reliable that while Seyss-Inquart was making these protestations to the Chancellor with whom he had had this intimate friendship, and which the Chancellor repaid by his confidence, Seyss-Inquart was in fact completely insincere. He was known at the time, and I had knowledge of this, to be in frequent contact with many high officials of the German Government and that he had had contact with Hitler himself. My information on this point was obtained not only from sources in Austria but also from acquaintances in Germany. There is only one thing which can be said in favor of Seyss-Inquart at the time and that is that he perhaps did believe the German protestations made to him that Austria's independence would be respected. It is difficult, however, to conceive that a man who was known to have the legal ability and intelligence of Seyss-Inquart could have been completely taken in by these protestations. The probabilities are that at least from the outset he used his friendship with Chancellor Schuschnigg in order to help to destroy the independence of his country in order to make a place for himself.

I left Vienna on, July 11, 1937, in order to assume the post of Assistant Secretary of State in Washington. I, therefore, left Vienna before the final tragedy occurred. The final outcome, however, was then already foreseeable. From the tenor of the Italian Minister's conversations with me it was clear that Italy would not or could not any longer defend Austria militarily against German aggression. It was also clear that Austria could not resist the German pressures alone. Although France had given very definite assurances as to her interest in maintaining Austria's independence and England had expressed her interest therein, the Austrian Government was less and less able to be assured of real support. When the Austrian government could no longer expect the full military support of Italy, it knew that its fate was sealed. Hitler was, therefore, free to work his will in Austria. The only question remaining was when he would do it and when he considered it opportune. The work of disintegration, set forth in this statement, had had its effects. Early in 1938, apparently satisfied that England and France would not move and knowing that Italy could not and would not oppose him, Hitler struck the final blow at Austria's independence, bringing to a climax what must be recorded in history as one of the most insidious, dastardly, unjustified and altogether effective series of measures to undermine and bring about the end of a sovereign state. During the course of which machinations and operations the Nazi Government nevertheless constantly openly proclaimed its friendliness towards Austria and its intention of maintaining its respect for its sovereignty and independence.

(Signed) G. Mayerson

Subscribed and sworn to before me, William L. Brewster, a Vice Consul of the United States of America, duly commissioned and qualified, in Mexico, D.F., Mexico, this 28th day of August, 1945.

William L. Brewster
Vice Consul of the United States
of America

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TRANSLATION OF DOCUMENT 2003-PS
OFFICE OF U S CHIEF OF COUNSEL

H1168 - 0033

1934 REICHSGESETZBLATT, PART I, PAGE 747

Law re the Sovereign Head of the German Reich
1 August 1934

Gesetz über das Staatsoberhaupt des Deutchen Reichs
Vom. 1 August 1934

The Reich Government has enacted the following law which is hereby promulgated:

Section 1.

The office of the Reichspräsident will be consolidated with that of the Reich Chancellor. The existing authority of the Reichspräsident shall consequently be transferred to the Führer and Reich Chancellor, Adolph Hitler. He shall select his representative.

Section 2.

This law is effective as of the time of the death of Reichspräsident von Hindenburg.

The Reich Chancellor
Adolf Hitler

The Reich Deputy Chancellor
von Papen

The Reich Minister of Foreign Affairs
Freiherr von Neurath

The Reich Minister of Interior
Frick

The Reich Minister of Finance
Graf Schwerin von Krosigt

The Reich Minister of Labor
Franz Seldte

The Reich Minister of Justice
Dr. Gürtner

The Reich Minister for Defense
von Blomberg

The Reich Postal Minister and
Transportation Minister
Freiherr von Eltz

The Reich Minister for Nutrition and
Agriculture
R. Walther Darre

The Reich Minister for Enlightenmer
and Propaganda
Dr. Goebbels

The Reich Minister for Air Travel
Hermann Goering

The Reich Minister for Science,
Training, and Education
Bernhard Rust

The Reich Minister without Port-
folio
Rudolf Hess

The Reich Minister without Port-
folio
Hanns Kerrl

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CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2003-PS

31 November 1945

I, FRED NIEBERGALL, 2nd Lt Inf, O-1335567, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a correct and true translation of Document No. 2003-PS.

FRED NIEBERGALL
2nd Lt Inf
O-1335567.

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Full translation of 2059-PS from: Reichsgesetzblatt, 1933, pt. I, p. 134, decree of 21 March 1933 to paragraph 5, inclusive.

Decree of the Reich-President relating to the granting of amnesty.

of 21 March 1933

Pursuant to Section 48, subsection 2 of the Constitution of the Reich the following is ordered:

Section 1.

Amnesty is granted for penal acts committed in the national revolution of the German People, in its preparation or in the fight for the German soil pursuant to the following provisions:

Section 2

Penalties imposed by final judgment at the time this law becomes effective and which have not yet been served, are annulled.

The amnesty applies to additional fines and security measures as long as they have not been executed, to sibsidiary legal consequences as well as outstanding fines payable to the Treasury of the Reich or the Landes and to outstanding expenses.

If a sentence has been passed to the effect that something should be confiscated or made unusable it will remain as such.

Section 3

Pending proceedings will be discontinued if the offense has been committed before the 21 March 1933 and further proceedings are not to be instituted.

Section 4

Should a penalty which has not yet been served at the time when this decree becomes effective, include one or several penalties for offences for which amnesty is granted, such part of the entire penalty which is proportionally met out for the offences mentioned has to be deducted.

If a penalty constituting imprisonment has been transformed into one of penal servitude only on account of simultaneous offences for one of which amnesty is granted, the entire penalty which will be reduced pursuant to subsection 1, has to be commutated into imprisonment of the same length of time.

Judicial findings (Section 458 of Code of Criminal Procedure) relating to whether and to what extent a penalty is to be extenuated pursuant to the provisions of subsections 1 and 2 will be decided upon by the court which has the jurisdiction to impose penalties for the offence mentioned in subsection 1.

Section 5

The court decides upon the discontinuance of pending proceedings upon application of the parties.

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PARTIAL TRANSLATION OF DOCUMENT NO. 2076-PS
OFFICE OF U.S. CHIEF OF COUNSEL

1939 Reichsgesetzblatt, Part I, Nr. 24 - distributed on March 22, 1933

(p.136-7) Decree of the Reich Cabinet relating to the formation of special courts of March 21, 1933

(Verordnung der Reichsregierung über die Bildung von Sondergerichten. Vom 21 März 1933)

On the basis of Chapter II of Part 6 of the third decree of the Reich President to safeguard economy and finances and to combat political excesses, of 6 October 1931 (Reichsgesetzblatt I pp. 537, 565, the following is decreed.

Section 1

(1) A special court (Sondergericht) will be created for the district of each court of appeals. (Oberlandesgericht.)

(2) The special courts are courts of the State (Land).

(3) The legal administration of the State (Land) determines the seats of the special courts.

Section 2

The special courts have jurisdiction over crimes and felonies enumerated in the decree of the President of the Reich for the defense of people and state, of 28 February 1933 (Reichsgesetzblatt I, p. 83) and in the decree relating to the defense against insidious attacks against the government of the national revolution (Erhebung), provided that such offenses are not within the jurisdiction of the Supreme Court (Reichsgericht) or court of appeals (Oberlandesgericht).

Section 3

(1) The special courts also have jurisdiction when a crime or felony which is under their jurisdiction fulfills at the same time the specifications of another offense.

(2) If another offense is directly connected with the crime or felony which comes under the jurisdiction of the Special Courts, then the proceedings against the offenders and accessories of the other offense may be instituted in the Special Courts.

(3) The extended jurisdiction pursuant to Paragraphs 1 and 2 does not apply to offenses for which the Supreme Court or the Courts of Appeals (Oberlandesgericht) have jurisdiction.

* * * * * *

Section 7

Proceedings may be instituted also before the Special Court in the district of which the defendant was caught or where he is in custody. The release of the defendant does not affect this jurisdiction once it has been established.

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PARTIAL TRANSLATION OF DOCUMENT NO. 2076-PS
OFFICE OF U.S. CHIEF OF COUNSEL

Section 9

(1) No hearings relating to the warrant of arrest shall be held.

* * * * * *

Section 11

A preliminary court investigation will not take place. If a preliminary investigation is pending at the time this decree becomes effective, the records are to be transferred at once to the prosecuting official with the Special Court.

* * * * * *

Section 16

(1) No legal remedy is admissible against the decisions of the Special Courts

* * * * * *

Berlin, March 24, 1933

The Reich Chancellor
Adolf Hitler

For the Reich Minister of Justice
The Deputy of the Reich Chancellor
von Papen.

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2076-PS

18 November 1945

I, TIBOR W. SCHONFELD, AEF Permit No. 51029, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct partial translation of Document No. 2076-PS.

TIBOR W. SCHONFELD,
AEF Permit No. 51029.

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TRANSLATION OF EXCERTPT OF DOC. 2246-PS
OFFICE OF U. S. CHIEF OF COUNSEL

The Extraordinary and
Plenipotentiary Ambassador
of the German Reich
on Special Mission

Vienna, 1 September 1936

To: The Führer and Reich Chancellor, Berlin (by courier)

Subject: Report on Danube situation.

* * *

(3 last paragraphs)

The progress of normalizing relations with Germany at the present time is obstructed by the continued persistence of the Ministry of Security, occupied by the old anti-National Socialistic officials. Changes in personnel are therefore of utmost importance. But they are definitely not to be expected prior to the conference on the abolishing of the Control of Finances (Finanzkontrolle) at Geneva. The Chancellor of the League has informed Minister de Glaise-Horstenau, of his intention, to offer him the porte folio of the Ministry of the Interior./ As a guiding principle (Marschroute) I recommend on the tactical side, continued, patient psychological treatment, with slowly intensifyed pressure directed at changing the regime. The proposed conference on economic relations, taking place at the end of October, will be a very useful tool for the realisation of some of our projects. In discussion with government officials as well as with leaders of the illegal party (Leopold and Schattenfroh) who conform completely with the agreement of July 11. I am trying to direct the next developments in such a manner to aim at corporative representation of the movement in the fatherland front (Vaterländischen Front) but nevertheless refraining from putting National-socialists in important positions for the time being. However such positions are to be occupied only by personalities, having the support and the confidence of the movement. I have a willing collaborator in this respect in Minister Glaise-Horstenau.

(Signature) Papen

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CERTIFICATE OF TRANSLATION
OF EXCERPT OF DOC. 2246-PS

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6 November 1945

I, FRED NIEBERGALL, 2nd Lt Inf, O-1335567, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a correct and true translation of Excerpt of Doc. 2246-PS.

FRED NIEBERGALL
2nd Lt Inf
O-1335567

H1168 - 0038

PARTIAL TRANSLATION OF DOCUMENT 2247-PS
OFFICE OF U S CHIEF OF COUNSEL

Letter (dated 17 May 1935, by Von Papen to Hitler
(address of writer: Berlin W 9
Lennestr. 9

Translation of:

1st page - 1st sentence of the 2nd paragraph.

The news, which I communicated to you the day before yesterday, that the Austrian Government would proclaim its intention to arm through an autonomous act and simultaneously on 2 June would announce a Starhemberg regency becomes more and more likely.

2nd page - 2nd paragraph to end of letter

I suggest that we take an active part in this game. The fundamental idea should be to pit Schuschnig and his Christian-social Forces, who are opposed to a home front dictatorship, against Starhemberg. The possibility of thwarting the measures arranged between Mussolini and Starhemberg should be afforded to him, in such way that he would submit the offer to the government of a penal German-Austrian compromise of interests. According to the convincing opinion of the leader of the NSDAP. in Austria, Capt. Leopold, the totalitarian principle of the NSDAP. in Austria must be replaced in the beginning by a combination of that part of the Christian-elements which favors the Greater Germany idea and the NSDAP. If Germany recognizes the national independence of Austria and guarantees full freedom to the Austrian national opposition, then as a result of such a compromise the Austrian government would be formed in the beginning by a coalition of these forces.
There should follow a gradual disintegration of the barriers erected between the two countries. The rearmament of the army would have to be effected in close cooperation with the German army even if material aid from Germany would be limited.
A further consequence of this step would be the possibility of the participation of Germany in the Danube pact, which would loose all its acuteness due to the settlement of relations between Germany and Austria. European situation and especially on our relationship with England.
One may object, that Mr. Schuschnig will hardly be determined to follow such a pattern, that he will rather in all probability immediately communicate our offer to our opponents.
Of course, one should first of all explore the possibility, of setting Schuschnig against through, "Go betweens". The possibility exists. If Mr. Schuschnig will finally say "No" and makes our offer known in Rome, then the situation would not be any worse by that but, on the contrary, the efforts of the Reich government to make peace with Austria would be revealed - Without prejudice to other interests. Therefore even in the case of refusal this last attempt would be an asset. I consider it completely possible, that in view of the far spread dislike of the Alpine countries of the pro-Italian course and in view of the sharp tensions within the confederate government (bundesregierung), Mr. Schuschnig will grasp this last straw - always under the supposition that the offer could not be interpreted as a trap by the opponents, but that it bears all the markings of an actually honest compromise with Austria.
Assuming success of this step, we would again establish our active intervention in Central European politics, which, as opposed to the

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French-Czech and Russian political maneuvers, would be a tremendous success, both morally and practically.
Since there are 2 weeks left to accomplish very much work in the way of explorations and Conferences, an immediate decision is necessary.
The Reich Army Minister (Reichswehrminister) shares the opinion presented above and the Reich Foreign Minister (Reichsaussenminister) wanted to discuss it with you, my Fuehrer

(Signed) von Papen.

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO 2247-PS

12 November 1945

I, WALTER R. SELIGSON, 1st Lt., 01558904, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 2247-PS.

WALTER R. SELIGSON
1st Lt.
01558904

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1933, Reichsgesetzblatt, part II, pp. 679, 687, and 688

P. 679, CONCORDAT BETWEEN THE HOLY SEE AND THE GERMAN REICH
Konkordat Zwischen dem Heiligen Stuhl und dem Deutschen

P. 687, Article 31.--Those Catholic organizations and societies which pursue exclusively charitable, cultural and religious ends, and, as such, are placed under the ecclesiastical authorities, will be protected in their institutions and activities.

Those Catholic organizations which to their religious, cultural and charitable pursuits add others, such as social or professional interests, even though they may be brought into national organizations, are to enjoy the protection of Article 31, Section 1, provided they guarantee to develop their activities outside all political parties.

P. 688, It is reserved to the Reich Government and the German episcopate, in joint agreement, to determine which organizations and associations come within the scope of this article.

In so far as the Reich and its constituent States take charge of sport and other youth organizations, care will be taken that it shall be possible for the members of the same regularly to practice their religious duties on Sundays and feast days, and that they shall not be required to do anything not in harmony with their religious and moral convictions and obligations.

CERTIFICATE OF TRANSLATION
OF DOCUMENT 2655 PS

20 November 1945

I, ERNST M. COHN, PFC, 33925738, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct partial translation of Document No. 2655 PS.

PFC ERNST M. COHN
33925738

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TRANSLATION OF DOCUMENT 2799-PS

Letter by Reich-Chancellor (Reichskanzler) Hitler of 26 July 1934 to Vice-Chancellor (Vicekanzler) von Papen
From Dokumente der deutschen Politik, II, p. 83, # 38.)

26th July 1934.

Dear Mr. von Papen,

As a result of the events in Vienna I am compelled to suggest to the Reichs-President the removal of the German Minister to Vienna, Dr. Rieth, from his post, because he, at the suggestion of Austrian Federal Ministers and the Austrian rebels respectively consented to an agreement made by both these parties concerning the safe conduct and retreat of the rebels to Germany without making inquiry of the German Reich Government. Thus the Minister has dragged the German Reich into an internal Austrian affair without any reason.

The assassination of the Austrian Federal Chancellor which was strongly condemned and regretted by the German Government has made the situation in Europe, already fluid, more acute, without any fault of ours. Therefore, it is my desire to bring about if possible an easing of the general situation, and especially to direct the relations with the German-Austrian State, which have been so strained for a long time, again into normal and friendly channels.

For this reason, I request you, dear Mr. von Papen, to take over this important task, just because you have possessed and continue to possess my most complete and unlimited confidence ever since we have worked together in the Cabinet.

Therefore, I have suggested to the Reichs-President that you, upon leaving the Reich-Cabinet and upon release from the office of Commissioner for the Saar, be called on special mission to the post of the German Minister in Vienna for a limited period of time. In this position you will be directly subordinated to me.

Thanking you once more for all that you once did for the coordination of the Government of the National Revolution and since then together with us for Germany.

I remain,

Yours very sincerely,

ADOLF HITLER.

(3484)

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Exhibit USA 243
Filed Jan. 23, 1946

TRANSLATION

2830-PS

The Extraordinary Ambassador
and Deputy Minister
of the German Reich
on a Special Mission.

Vienna, 12 May 1936.

CONFIDENTIAL

No. A. 2544

SUBJECT:

May rally of the Freedom Union.
(Maikundgebung des Freiheitsbundes)

(Three copies for the foreign office)

To the Fuhrer and Reichschancellor
Berlin

by Courier

After return here, I received the enclosed interesting report on the Sunday parade of the Freedom Union.

It can be seen from it that the Heimwehr, despite all its efforts, could not prevent the starting of the Workers' demonstration. The shouting of the demonstrators shows very clearly that the Heimwehr suspects camouflaged National-socialists in the Freedom Union, that is people who want to reconcile themselves with Germany.

The enclosed "NEUIGKEITSWELTBLATT" speaks in its report very openly about the strong inner tensions, which came to light the day before yesterday: the possibility of a break in its own camp, which could hinder the consolidation in the country. One wishes to blame the agitators for the break, however one knows exactly, that fundamental differences of opinions are in question. It is certain that beginning today the workers movement through the participation of SCHUSCHNIGG is recognised as a legalised movement, in which in the future the Army and Police have an ally against the Heimwehr, hated by all three.

The following incident is interesting. The Czech Legation secretary DOHALSKY has made to Mr STAUD (leader of the Freedom Union) the offer, to make available to the Freedom Union every desired amount from the Czech Government, which he would need for the strengthening of his fight against the Heimwehr. His only condition is, that the Freedom Union would guarantee to take a stand directed against Germany. Mr Staud has simply refused this offer. It is shown by that, how one even in the enemy's camp already evaluates the new grouping of Forces. From that the further necessity results for us, to support as before this movement financially, and namely mostly in reference to the continuation of its fight against Jewry. I consider an amount of about 100,000 RM necessary which is to be made available in schillings as required, and I request permission for this.

Our relationship to the Freedom Union, especially to its leader STAUD is already so intimate, that I was asked, which personalities, in case of entry of ministers from the national opposition into the Cabinet, are desired by the German Government.

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The STARHEMBERG declaration (NEUES WIENER JOURNAL of 9 May 1936) in which he calls for a crusade against Bolshevism, and for the formation of a unified front from North to South, has given cause for considerable thoughts in the foreign press. From the English side here, everything is being tried to diminish STARHEMBERG's influence and his intimate co-operation with ITALY. It may be assumed that a possible approach by STARHEMBERG to the German Government would be considered very sceptically in the English Foreign Office.

My conversation with the Austrian Chancellor (BUNDES KANZLER) will probably take place tomorrow.

PAPEN (signed in ink)

(3444)

37/B

Exhibit GB 233
Filed Jan. 23, 1946

TRANSLATION OF DOCUMENT NO.2902-PS
OFFICE OF U.S. CHIEF OF COUNSEL

Nurnberg, 13 November 1945.

Dr. Kubuschok
Defence Lawyer of the Accused v. P a p e n.

Position with regard to the Preliminary Trial Brief

1) v. Papen many times rejected Hitler's request to join the NSDAP. Hitler simply sent him the "Golden Party Badge". In my opinion, legally speaking, he did not thereby become a member of the Party. This is substantiated by the fact that Hitler in a similar manner presented the "Golden Party Badge" to generals, who, in accordance with the ruling, could not as members of the Armed Forces become Party members.

2) From 1933-1945 v. Papen was a member of the Reichstag.

3) v. Papen was Reich Chancellor from 1 June 1932 to 17 November 1932. He carried on the duties of Reich Chancellor until his successor took office until 2 December 1932.

4) On 30 January 1933 v. Papen was appointed Vice Chancellor. From 30 June 1934 he ceased to exercise official duties. On that day he was placed under arrest. Immediately after his release on 3 July 1934 he went to the Reich Chancellery to hand in his resignation to Hitler. Upon his arrival at the Reich Chancellery he found that Hitler was attending a meeting of the Cabinet in which the "Law re Measures concerning State of Emergency" was being decided. v. Papen did not enter the Conference Room but asked to see Hitler in an adjoining room. There he advised Hitler, while complaining about his arrest, that after this public defamation of himself he found it impossible to belong any longer to the Cabinet and he was resigning office. Hitler in reply said that in consideration of the unfavourable impression which an immediate publication of the resignation would arouse amongst the public, it would not be announced for about a month.

v. Papen did not take part in the Cabinet meeting that day, nor in any subsequent Cabinet meetings. Neither did he discharge any other kind of official duties after that. It is true though, as I have ascertained, that his signature appeared in the RGBl/under the "Law regarding the Supreme Head of the German Reich" of 1 August 1934, as well as under the "Decree of the Reich Government with regard to the Introduction of a Popular Election" of 2 August 1934 (RGBl 1934, Part I, page 767 and page 752). This publication, in so far as the signature is concerned, is not in accordance with the facts. v. Papen never executed any such signature. This could only have been a mistake in printing or a deliberate falsification.

5) On 13 November 1933 v. Papen became Plenipotentiary for the Saar. This office was terminated under the same circumstances described under 4).

6) On 26 July 1934 v. Papen was appointed Minister to Vienna. On the evening of the 4 February 1938 he was informed by telephone through Lammers of his recall. On 5.2.1938 he announced his recall in a note to the Austrian Foreign Minister, took leave from his Embassy personnel and travelled to Berchtesgaden to see Hitler. During his conversation with Hitler he mentioned, in passing, that Chancellor/Schuschnigg had recently considered that a personal interview of his with Hitler would be expedient. Thereupon Hitler delegated v. Papen to arrange such an interview with Schushnigg immediately. To v. Papen's

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objection that he was no longer empowered to exercise any official function, Hitler replied with the statement that this commission confined itself simply to arranging for this meeting.

At the conclusion of the appointed meeting with the Bund Chancellor v. Papen travelled with him to Berchtesgaden. On his return to Vienna he handed to the Austrian Bund President the official note of the latter's recall which Papen had in the meantime received.

7) v. Papen was Ambassador to Turkey from 29 April 1939 to 2 August 1944.

(signed) Dr. Kubuschok

(signed) F. v. Papen

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CERTIFICATE OF TRANSLATION
Of DOCUMENT NO. 2902-PS

20 November 1945

I, ERNST M. COHN, Pfc., 33925738, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No. 2902-PS.

ERNST M. COHN,
Pfc., 33925738

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TRANSLATION OF DOCUMENT 2962-PS
OFFICE OF U.S. CHIEF OF COUNSEL

. . .

v.A.v. Rk 2581[33]

Record
of the Ministers' Conference
of 15 March 1933, 6:30 PM
in the Reich Chancellery

Distribution

1) Secret, to the attention of the State Secretary. (Staatssekretaer).
2) respectfully submitted to the special advisers (Referenten).
3) respectfully submitted to Ministerial Amtmann Buesch.
4) to the files.

(Several illegible notations)

Present:

Reich Chancellor	Hitler
Deputy of the Reich Chancellor and Reich Commissioner for Prussia	von Papen
Reich Minister for Foreign Affairs	Baron von Neurath
Reich Minister of the Interior	Dr. Frick
Reich Minister of Finance	Count Schwerin von Krosigk
Reich Minister of Economics and Reich Minister for Nutrition and Agriculture	Dr. Hugenberg
Reich Minister of Labor	Seldte
For the Reich Minister of Justice	Dr. Guertner: State Secretary Dr. Schlegelberger
Reich Minister of Defense	von Blomberg
Reich Postal Minister and Reich Minister of Communications	Baron von Eltz-Ruebenach
Reich Minister for Popular Enlightenment and Propaganda	Dr. Goebbels
Reich Minister without portfolio, Reich Commissioner for Aviation	Goering
Reich Commissioner, Reich Minister, retired	Dr. Popitz
Reich Commissioner for Labor Procurement	Dr. Gereke

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State Secretary in the Reich Chancellery — Dr. Lammers

State Secretary in the office of the Reich President — Dr. Meissner

Reich Press Chief: State Secretary — Funk

Recorder: Ministerial Counselor (Ministerialrat) Wienstein, points 1-3

Senior Government Counselor (Oberregierungsrat) Killy for points 4-7

Page 2 Subjects Under Discussion

Rk 2582[33] (1) Political situation

Not on the agenda:

Rk 2583[33] (2) Report of the State Secretary in the Reich Chancellery re: the Reich Center for Home Service (Reichszentrale fuer Heimatdienst),

(in pencil) Rk 2584[33]
Rk 2155[33] (3) Punishment and trial of the perpetrators involved in the burning of the Reichstag

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Rk 2585[33] (4) Work-week in Reich Railway maintenance (Not included in the agenda)

Rk 2586[33] (5) Draft of an emergency decree on the Reich Institute (Reichsanstalt) for Employment Service and Unemployment insurance.

Rk 2587[33] (6) Discussions of financial policies.

Rk 2588[33] (7) Suspension of the wage premium.

(in pencil)

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H1168 - 0048

1) Political Situation

The Reich Chancellor opened the session and stated that the political situation was completely clarified now that the elections of the municipal councils had taken place.

Page 3 The clarification of the relations between the Reich and the south German lands was of decisive importance, especially that of the relationship between the Reich and Bavaria. The Reich idea (Reichsgedanke) had shown itself surprisingly strong everywhere. The revolution in Bavaria was perhaps the most thorough one. In his opinion, further internal political developments would progress without disturbance; In Wuerttemberg a government had already been formed. In Bavaria it was still necessary to clarify certain seperatist activities. For this reason it would, in his opinion, be practical to wait a while with the formation of a government in Bavaria. The national revolution had taken place without great upheavals. He stated that henceforth, it would be necessary to detour all activities of the people towards the purely political, because economic decisions had to be awaited.

In his opinion there would be no difficulties in getting the Enabling Act (Ermaechtigungsgesetz) through the Reichstag with a two-thirds majority.

The foreign political situation had in no way become worse. He was firmly convinced that foreign countries would take a totally different attitude towards the present Reich government than to the former ones, that is, they would treat it with greater respect.

The situation in Austria could not yet be surveyed clearly. As long as the political center of gravity was in Vienna, France would always be able to assert a strong influence.

Page 4 The Reich Minister of the Interior gave the information that he had attended the session of the Reichstag Committee of Oldest Members (Aeltestenrat). The five Reichstag parties still existing were all represented, namely the National Socialists by Reich Minister Goering and himself, the Social Democrats by Loebe and Hertz, the Central Party by Leicht and Rauch. The German National Party was also represented. Immediate agreement was reached that a seniority president was not necessary and that Reichstag President Goering should preside over the sessions of the new Reichstag.

He, the Reich Minister of the Interior, had pointed out that the Reichstag ought to pass within three days an Enabling Act with the majority necessary to change the constitution. The Central Party (Zentrum) had not expressed any objection. Representative Esser had however asked to be received by the Reich Chancellor.

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There still remained the question of what should happen to the drafts of bills not presented, which ought to be supported by the present administration, and formerly had already been presented to the Reichstag. In his opinion it was best, in consideration of the Enabling Act not to present the list to the Reich Council and the Reichstag, but to pass the list later on the basis of the Enabling Act.

Page 5

The Enabling Act would have to be so broadly framed that every provision of the German constitution could be side-tracked. It would have to have a time limit of four years for the time being. He, the Reich Minister of the Interior had in mind something like the following text for the law:

"The Reich administration shall be enabled to take such measures as it deems necessary in view of the needs of the people and State. In doing so the provisions of the Reich constitution can be waived."

It was still to be determined if an addition to the content would be practical, according to which the validity of the Enabling Act (Ermaechtigungsgesetz) would depend on the present composition of the Reich government.

As regards the two-third majorities demanded by the Reich constitution, altogether 432 representatives would have to be present to pass the Enabling Act, with the communists included and the number of elected Reichstag representatives assumed to be 647. If the Communist representatives are deducted the total number of representatives would have to be present in order to pass the Enabling Act. He believed it better not to eliminate the Communist mandates. On the other hand, prohibition of the Communist Party would be practical. The prohibition would result in dissolution of the organizations. Eventually all the persons who would still insist

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Page 6

on professing communism would have to be sent to labor camps.

Reich Minister Goering expressed his conviction that the Enabling Act would be passed with the necessary two-thirds majority. Possibly a majority could be obtained by banishing several Social Democrats from the hall. Possibly the Social Democrats would even refrain from voting on the Enabling Act. At the election of the President of the Reichstag the Social Democrats would certainly hand in blank slips.

The Reich Chancellor declared it necessary to set a period of time for turning in explosives. In the course of the past few years about 3,000 hundredweight (Zentner) of explosives had been stolen; only 300 hundredweight were turned in again.

The Reich government would have to announce that it did not intend to eliminate the Reichstag. He, the Reich Chancellor intended to emphasize this in his government declaration.

The deputy of the Reich Chancellor and Reich Commissioner for Prussia (Land Preussen) stated that it was of decisive importance to coordinate into the new state the masses standing behind the parties. The question of the incorporation of political Catholicism into the new state

Page 7

was of particular importance. Perhaps the parties could be informed in every case about the measures intended to be taken by the Reich government.

The question of the flag would best be settled by a law to be passed by the Reichstag and not on the basis of the Enabling Act (Ermaechtigungsgesetz).

The Reich Minister of Foreign Affairs also emphasized the nessessity of regulating the flag question through the Reichstag. In addition he brought up the question if it would not be more practical to have international treaties also passed on by the Reichstag. Perhaps the procedure could be limited to transmission to the Reichstag of only a list of the treaties to be passed.

The Reich Minister of the Interior urgently advised against such procedure because the Reichstag would enter into a never-ending debate on the content of the treaties.

The Reich Minister for Foreign Affairs declared that he thought the suspicions of the Reich Minister of the Interior were justified.

The Reich Minister of Economics and Reich Minister for Nutrition and Agriculture brought up the question, if it was considered that the Reich President should have a hand in the laws which would be decreed by the Reic government on the basis of the Enabling Act.

State Secretary (Staatssekretaer) Dr. Meissner replied that the assistance of the Reich president was not necessary; the Reich president would not demand it. Yet,

Page 8

it might perhaps be practical if the authority of the Reich president would be brought into play in the case of some laws of special importance.

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Furthermore, State Secretary Dr. Meissner pointed out that there were still in the Reichstag some factors dangerous to the acceptance of the Enabling Act.

The Reich Chancellor declared that he definitely hoped to overcome any difficulties existing in the Reich Council (Reichsrat).

The Reich Minister of Finance stated that it was necessary to submit a special Credit Enabling Act to the Reichstag.

Reich Commissioner, Reich Minister, retired, Dr. Popitz suggested the following supplement to the Enabling Act: "The regulations decreed on the basis of the Enabling Act shall be regarded as a law in the sense of the Reich constitution, especially in the sense of the article of the constitution in regard to the budget plan (Haushaltplan) and the credit authorization (Kreditermaechtigungsgesetz)".

The Reich Minister of Finance further stated that it would be practical to set up a special commission, perhaps consisting of representatives of the Reich Ministry of the Interior, the Reich Ministry of Finance, the Prussian Ministry of the Interior, and the Prussian Ministry of Finance, to make a list of such measures which would have to be passed first, on the basis of the Enabling Act.

Page 9 The Reich Chancellor declared that this proposition was very practical.

2) Report of the State Secretary (Staatssekretaer) in the Reich Chancellery as regards the Reich Center for Home Service (Reichszentrale fuer Heimatdienst).

The State Secretary in the Reich Chancellery set forth that the Reich Center for Home Service had become superfluous as a result of the establishment of the Reich Ministry for Popular Enlightenment and Propaganda. He read the enclosed draft of a decree for the dissolution of the Reich Center for Home Service and gave a more detailed report on the composition of the central leadership (Zentralleitung) and the state branches (Landesabteilungen) of the Reich Center for Home Service.

The Cabinet took note of this.

3) Punishment and trial of the perpetrators involved in the burning of the Reichstag.

State Secretary (Staatssekretaer) Dr. Schlegelberger called attention to the opinions rendered on the above mentioned matter by the Reich Ministry of Justice (Reichsjustizministerium). He informed that the interrogator, Reichsgerichtsrat Vogt, had discussed with them the status of the investigation of the burning of the Reichstag. According to inquiries so far, there was strong suspicion th van der Lubbe was not the only perpetrator. Among others, a Swiss, a Bulgarian and another Dutchman had been arrested. Reichsgerichtsrat Vogt was entirely equal to the task.

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State Secretary (Staatssekretaer) Dr. Meissner pointed out that the Reich Chancellor still had insurmountable doubts about issuing a decree to fix the death sentence for the burning of the Reichstag. Perhaps the Reich government could issue such a regulation on the basis of the Enabling Act.

The Reich Chancellor replied that the issue of such a regulation was definitely in order.

For the transcript
points 1 - 3
(signed) Wienstein 13/3

4) Work week for Reich Railroad Maintenance. (not included in the agenda).

The Reich Minister of Labor set forth that for permanent railroad workers the 48 hour week would be in effect also during the summer, and for the temporary workers who were to be employed, the 40 hour week.

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CERTIFICATE OF TRANSLATION
OF DOCUMENT No.2962-PS

I, WANDA S. TIESZEN, X, 046 265, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No.2962-PS.

WANDA S. TIESZEN
X, 046 265

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H1168 - 0053

EXCERPT FROM DOCUMENT 3280-PS.

Excerpt of the Papal Encyclical: "Mit Brennender Sorge" on March 14, 1937, Appendix II, p. 524 of "The Persecution of the Catholic Church in the Third Reich", published by Burns Oates and Washbourne, Ltd., London, 1942.

"It discloses intrigues which from the beginning had no other aim than a war of extermination. In the furrows in which We had laboured to sow the seeds of true peace, others - like the enemy in Holy Scripture (Matt. xiii. 25) - sowed the tares of suspicion, discord, hatred, calumny, of secret and open fundamental hostility to Christ and His Church, fed from a thousand different sources and making use of every available means. On them and on them alone and on their silent and vocal protectors rests the responsibility that now on the horizon of Germany there is to be seen not the rainbow of peace but the threatening storm-clouds of destructive religious wars" .....

....."Anyone who has any sense of truth left in his mind and even a shadow of the feeling of justice left in his heart will have to admit that, in the difficult and eventful years which followed the Concordat, every word and every action of Ours was ruled by loyalty to the terms of the agreement; but also he will have to recognise with surprise and deep disgust that the unwritten law of the other party has been arbitrary misinterpretation of agreements, evasion of agreements, evacuation of the meaning of agreements, and finally more or less open violation of agreements".

(3483)

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Exhibit USA 240
Filed Jan. 23, 1946

TRANSLATION OF DOCUMENT NO. 3313-PS
OFFICE OF U. S. CHIEF OF COUNSEL

H1168-0054

Von Papen, Appeal to the German conscience
"Appell an das deutche Gewissen", Oldenburg
1933, page 66-68. Address delivered at
Stuttgart, March 3, 1933

"The principles of German federalism, as far as they have been incorporated in the Weimar Constitution, are thus of a dynastic nature. Therein, in truth, lies the crisis of federalism.

Whoever regards the states (Laender) simply as legal successors of the former states of the German union forgets the elimination of the dynasties (ruling houses). The yardstick to measure the vitality and the political as well as legal importanceof a state has completely changed since 1918. Whoever does not want to recognize this fact, but deals with the states of today as if they were still the union-states of yesterday's, does condemn to death federalism as a legal and state-building principle. Either this great process of mediation continues until the unified state is accomplished, or one has to undermin the federalist principle anew. The slogan: "Back to Bismarck" really springs from a basically un-Bismarckian attitude, because Bismarck himself would never have tried to construct something for which the real political presuppositions were lacking.

It follows then that the federalist principle must be rebuilt legally and politically on a new basis. Its outstanding characteristics, it seems to me, point to two directions: for one to the legal constructions and for another to the administrative method. A construction of a state is a federalist one if it rests to considerable extent upon contract law, and upon the mutual recognition of living legal units which give birth, in a legal fashion, to an all-embracing political being. The principle of force will thus be limited to a minimum; force can only be applied to prevent a decay of unity in behalf of the basic right to live. In addition, federalism will protect us from centralism, that organizational form which focuses all living strength of a nation like a burning mirror onto one point. No nation is less adaptable to being governed centralistically than the German nation. Particularism, on the other hand, leads to a predominance of the members and to a centrifugal movement dismembering the total unit.

Such a centrifugal movement has been characteristic for the decay of the Holy Roman Empire of the German nation, the body of German folkdom, ever since the thirty years war, or even since medieval times. Exactly here, in the centre of the southern German (alemamic) tribes, we feel lively, even tragically, the political tearing apart of a tribal unity which today still extends beyond the Rhine and the Swabian sea. We fully understand, therefore, the anxiety of all of those who wish to strengthen the power of the Reich and wish to prevent at all costs a further crumbling of the kernel of the German nation."

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CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 3313-PS

10 December 1945

I, Gerhart H. Seger, Civ., D 258957, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the indicated excerpt from Document No. 3313-PS.

GERHART H. SEGER.
Civilian,
D 258957

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(Excerpt)

TRANSLATION OF DOCUMENT NO. 3314-PS
OFFICE OF U. S. CHIEF OF COUNSEL

GB Exhibit 234
Filed Jan. 23, 1946

Extracts from "Frankfurter Zeitung",
29 August 1932, page 2,
Von Papen's Address, as Chancellor,
delivered at Muenster, Westphalia,
28 August 1932.

"The licentiousness emanating from the appeal of the leader of the National Socialist Movement does not comply very well with his claims to governmental power."

"I do not concede him the right to regard the mere minority following his banner solely as the German nation, and to treat all our fellow countrymen as 'free game'."

"I am advocating the constitutional state, the community of the people, law and order in government. In doing so, it is I, and not he, who is carrying on the struggle against the domination of parties, against arbitrariedism and injustice, a struggle which millions of his supporters had been wholeheartedly longing for years to fight."

"My government, from the first day on, has pursued the aim to grant the opportunity of participating in the reconstruction of the Reich to that great patriotic liberation movement whose historical services to Germany everybody must acknowledge. I am loathe to believe that this great German liberation movement will remain intentionally antagonistic forever toward the purposes of a government whose entire thoughts are devoted solely and exclusively to Germany's future."

"I am firmly determined to stamp out the smoldering flame of civil war, to put an end to political unrest and political violence, which today is still such a great obstacle to the positive work representing the sole task of the State."

"The conservative leadership of the State recognizes as its task, with few laws and in limiting itself to the chief aspects of National life, to create a framework within which the forces of the Nation can enfold themselves freely. This task can only be fulfilled by an authoritarian, independent government deeply conscious of its duties toward God and Nation."

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 3314-PS

10 December 1945

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GERHART H. SEGER,
Civilian,
D 258957

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Extracts from Frankfurter Zeitung
13 October 1932, page 2.

PARTIAL TRANSLATION OF DOCUMENT NO. 3317-PS
OFFICE OF U. S. CHIEF OF COUNSEL

Exhibit GB 225
Filed Jan. 23, 1946

Von Papen's address, as Chancellor, delivered in Munich on 12 October 1932.

"It is a historical falsification when it is claimed today that I, the Chancellor, had prevented National Socialism from taking over the responsibility. The offer of 13 August gave the NSDAP a share in the power in the Reich and in Prussia which would have assured it decisive influence. Hitler did not accept this offer because he believed that he as leader of a movement represented by 230 parliamentary mandates should claim the position of the chancellor. He made this claim on the principle of totalitarianism, of exclusiveness which his party adheres to."

* * * * * * * * * *

"The essence of conservative ideology is its being anchored in the divine order of things. That too is its fundamental difference compared with the doctrine advocated by the NSDAP. The principle of "exclusiveness" of a political "everything or nothing" which the latter adheres to, its mythical Messiah-belief in the bombastic Fuehrer who alone is destined to direct fate, gives it the character of a political sect. And therein I see the unbridgeable cleavage between a conservative policy born of faith and a national-socialist creed as a matter of politics. It seems to me that today names and individuals are unimportant when Germany's final fate is at stake. What the nation demands is this: it expects of a movement which has written upon its banner the internal and external national freedom that it will act, at all times and under all circumstances, as if it were the spiritual, social and political conscience of the nation. If it does not act that way; if this movement follows merely tactical points of view, democratic-parliamentarian points of view, if it engages in the soliciting of mass support using demagogic agitation and means of proletarian class struggle - then it is not a movement any more, it has become a political party."

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* * * * * * * * * *

"And, indeed, the Reich was almost destroyed by the political parties. One simply cannot, on one side, despise mercilessly masses and majorities, as Herr Hitler is doing, and on the other hand surrender to parliamentarian democracy; surrender to the extent of adopting resolutions against one's own government together with the Bolshevists."

* * * * * * * * * *

"In the interest of the entire nation we decline the claim to power by parties which want to own their followers body and soul, and which want to put themselves, as a party or a movement, over and above the whole nation."

- -

8 December 1945

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 3317-PS

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Civilian,
D 258957

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PARTIAL TRANSLATION OF DOCUMENT NO. 3318-PS
OFFICE OF U. S. CHIEF OF COUNSEL

Extracts from Frankfurter Zeitung
12 October 1932, page 1

Exhibit GB-241
Filed Jan. 23, 1946

Visit of von Papen as Chancellor in Munich, 11 October 1932. Commentary of "Frankfurter Zeitung", partly based on Bavarian sources such as the news service of the Bavarian People's Party.

"Von Papen claimed that it had been his aim from the very beginning to build a new Reich for and with the various states (Laender). The Reich government is taking a definite federalist attitude. Its slogan is not a dreary centralism or unitarianism."

* * * * *

"Wherever one did hear von Papen express himself in public, one did hear a chancellor who took special care to be regarded as an unconditional federalist."

- -

8 December 1945

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 3318-PS

I, Gerhart H. Seger, Civ., D 258957, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the indicated excerpt from Document No. 3318-PS.

GERHART H. SEGER
Civilian
D 258957.

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Introduction in evidence objected to and ~~following the ruling~~ it was not submitted in view of conditions imposed by Tribunal. Jan. 23, 1946

COPY

3337-PS

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Frankfurt, Germany.
5 December, 1945.

AFFIDAVIT

of

Kurt Freiherr von Schroeder

I, Kurt Freiherr von Schroeder, being first duly sworn, willingly depose and say as follows:

When Papen was first nominated as Chancellor he was not the leader of the party that proposed him. He was very much in Hindenburg's confidence however and he had considerable power behind him from the Right parties. At that time he received the order to form a government without the authority of the Reichstag but with orders from Hindenburg. He had the intention of changing the government and eliminating all Social Democrats and Communists and all the people of the Left. At that time the Nazi Party had said if you will follow this course, we will not oppose you and you will have a possible chance to act. So Papen began his government and at first all the parties of the Right supported him including the Nazis, but this did not last long as differences soon arose. They began with a law which Papen had enacted against the Communists. At that time the Communists were assassinating men one after the other. This law provided punishment of death for political murders. Prior to this, we had under the Republic no death penalty. Unfortunately, there was a quarrel in Silesia between some Nazis and Communists and in this quarrel, a Communist was beaten and killed by two Nazis. They had to take action under the new law and two Nazi Party members were sentenced to death. It was very bad because it was not a case of premeditated murder. The punishment of death for political criminals applied however to this case. There was a very great uproar from the Nazis - they protested to von Papen and said it was impossible to punish this crime by death. Von Papen said, "Justice has spoken. I cannot do anything". But von Papen had in mind

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to propose to Hindenburg a presidential pardon, but he did not make any announcement of this intention. There was a huge meeting of the Nazis at which von Papen was severely attacked by all the speakers. That was one incident disrupting harmony.

There was another in August 1932. There had been elections and the Nazi Party had won a great number of seats. Hindenburg, who was on his farm in East Prussia, said he would speak with Hitler and von Papen; and von Papen had invited Hitler to come with him and speak with Hindenburg about the new situation resulting from the elections. Perhaps it was their idea that now was the moment for Hitler to become Chancellor. When they were on their way to see Hindenburg I think that Hitler had understood from von Papen that Hindenburg would offer him the Chancellorship or at least discuss with him the possibility of his becoming Chancellor; but I think that von Schleicher, who was at that time the head of the military in Germany, got there first and told Hindenburg that it was absolutely impossible to give Hitler the Chancellorship and that he shouldn't do it. So I think that when Hitler and von Papen arrived at Hindenburgs, von Papen surely had the intention of discussing the possibility of giving Hitler the Chancellorship but when they came to Hindenburg the latter at once said to Hitler, "We will talk together but you will never be Chancellor." This made Hitler furious because he thought that von Papen had deliberately betrayed him and endeavoured to create for him a political disaster. Hitler was very aggrieved and after that in political meetings he attacked von Papen because he had not made good on what he had promised when he was appointed as Chancellor and because under him these two Nazis were threatened with death and because von Papen had betrayed him in the meeting with Hindenburg. After Hitler made these speeches, matters between him and von Papen became steadily worse. During this period Schleicher, while professing support for von Papen, was opposing him behind his back. Then one day in the Reichstag von Papen received a vote of no confidence. This vote of no confidence was

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cleverly put across by Goering. Although von Papen, because of the critical situation, had secured from Hindenburg a letter dissolving the Reichstag, which could be used in such emergency, Goering outsmarted him and put the vote of no confidence across before von Papen could produce the letter. Because of this von Papen had to resign as Chancellor. After a short time von Schleicher was made Chancellor by Hindenburg. The situation between Papen and Hitler was so bad after all these events that they could not come together. But many persons in the parties of the Right stood behind von Papen. Also many of the members of the conservative parties and the nationalist parties backed von Papen, and many of these people and many of the more conservative National Socialists believed that they must come together so as to provide a firm backing for a Nationalist Government which would have enough strength so that the government would not continue to be changed every two or three months. The representatives of the big banks of other countries who came to Berlin every six months in connection with the standstill agreements expressed dislike for the unstable political situation in Germany and complained because every time they came they found a new government and had to deal with different officials than those who were in power previously. The first few months after von Papen's fall as Chancellor it was impossible to bring Hitler and von Papen together. Then Schleicher's Chancellorship was not very successful and at that time I think that both Hitler and Papen realized that it was not clever to oppose each other as they were doing. I think that Hitler gradually came to see that he had not been betrayed by von Papen, but that much of the distrust between them was the work of von Schleicher. During the last months of 1932 the situation in Germany became steadily worse and it seemed certain that Germany would go down and Bolshevism would take over if some immediate steps were not taken. Because from the first time they had worked together, Hitler and Papen had seen that their ideas were not so very different after all, I think that during Schleicher's Chancellorship both realized that it would be

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good if they could get together. Then in December when I saw von Papen he said, "I think we can perhaps now have a meeting together to clear these different points which have kept us apart and we must find a way for the parties of the Right to get together." That is the background of the subsequent meeting in my home of Hitler and von Papen.

On January 4, 1933, Hitler, von Papen, Hess, Himmler and Keppler came to my house in Cologne. Hitler, von Papen and I went to my den where we were closeted in a discussion lasting about two hours. Hess, Himmler and Keppler did not participate in this discussion but were in the next room. Keppler, who had helped arrange this meeting, came from Berlin; von Papen came alone from his home in the Saar; and Hitler brought Hess and Himmler with him, as they were travelling with him to Lippe in connection with the election campaign. The discussion was only between Hitler and Papen; I personally had nothing to say in the discussion. The meeting started about 11:30 a.m. and the first question was raised by Hitler as to why it was necessary to punish the two Nazis who had killed the Communist in Silesia. Von Papen explained to Hitler that it had been necessary to punish these two Nazis, although they had not been put to death, because the law was on the books and all political offenders under the law must have some punishment. He further explained to Hitler that it might be possible to get a pardon from President Hindenburg for these two men. Then von Papen told Hitler that he had urged von Hindenburg to give serious consideration to making Hitler the Chancellor at the time that Hindenburg met with Hitler and von Papen and that he had understood that Hindenburg was perfectly willing to discuss this matter with Hitler at that time. He said that it came as a great surprise and shock to him when Hindenburg was unwilling to do so and he felt that someone, probably von Schleicher, was responsible for the change in Hindenburg's point of view. Next, von Papen told Hitler that it seemed to him the best thing to have the conservatives and nationalists who had supported him join with the Nazis to form a government. He proposed that this new government should, if

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possible, be headed by Hitler and von Papen on the same level. Then Hitler made a long speech in which he said if he were made Chancellor, it would be necessary for him to be head of the government but that supporters of Papen could go into his (Hitler's) government as ministers when they were willing to go along with him in his policy of changing many things. These changes he outlined at this time included elimination of Social Democrats, Communists and Jews from leading positions in Germany and the restoration of order in public life. Von Papen and Hitler reached an agreement in principle so that many of the points which had brought them in conflict could be eliminated and they could find a way to get together. They agreed that further details would have to be worked out and that this could be done in Berlin or some other convenient place.

I understand they met later with von Ribbentrop and worked out further details.

The meeting broke up about 1:30 and the three of us joined Hess, Himmler and Keppler at lunch, during which there was general conversation which lasted until about four o'clock when they, all the guests, departed.

This meeting in my home of Hitler and von Papen of 4 January 1933, was arranged by me after von Papen asked me to arrange such a meeting. He made this request on about the 10 December 1932.

I have been asked whether at this meeting von Papen suggested the burning of the Reichstag in order to accuse the Communist Party of the responsibility for this crime. Von Papen did not make any such suggestion nor was the burning of the Reichstag discussed by anyone in my house in my presence at this meeting. There was never any suggestion of burning the Reichstag made in my presence and the first that I heard of it was at a dinner party when I was told that the Reichstag had been set on fire.

Wilhelm Keppler, prior to Hitler's coming to power, had at Hitler's suggestion formed a group of business men and financiers to discuss economic problems. Hitler stated to this group that at such time as he

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might take control in Germany he wanted to be in position to take decisive action and he desired to have this group work out various parts of an economic program.

Within this group there developed the idea of having all industry and finance in Germany organized under the leadership principle and this was subsequently effected in legislation passed shortly after Hitler became Chancellor.

Prior to Hitler's becoming Chancellor, the only money given by me or by the Stein Bank in support of the Nazi Party was in small sums not exceeding in the aggregate RM 2,000. This group or circle of Keppler's did not as an organization contribute to any of Hitler's elections.

About 1935 or 1936 after Keppler's position with Hitler had declined considerably, Himmler became "the protector" of the circle and the circle undertook each year thereafter, up to and including 1944, to raise funds for "special purposes" for Himmler.

These funds were paid by the members of the circle or by corporations in which they had leading positions to the Stein Bank to a special account S. Each year I wrote to Himmler advising him as to the amount contributed by each person or corporation during that year and Himmler in turn wrote a letter of thanks and appreciation to the contributor. The amount raised by the circle amounted to approximately RM 1,000,000 each year. The formation of this group by Keppler preceded by some months the assumption of power by Hitler and those who joined were eager to see a strong leader come to power in Germany and form a government which would last a long while. They had as common interests a fear of Bolshevism, belief that the Nazis would take over the government in Germany and an economic stake in seeing that more stable political and economic conditions were established in Germany. They also were all acquaintances of Keppler and through Keppler hoped to be able to influence Hitler. The

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following is a list of the members of the circle and their principle affiliation:

Flick	Mitteldeutsche Stahlwerke
Rosterg	Wintershall, "Kali" Company
Schmidt (may be dead)	Wintershall
Bütefisch	I. G. Farben
Steinbrinck, Otto	Gewerkschaft - Preussen
Lindemann	German Lloyd - North Co., & Melchers & Co., Bremen
Schmitt, Kurt	Former Economics Minister - later with Munich Re-insurance Company
Röhnert	Rheinmetal-Borsig
Kranefuss	Brabag; Adjutant to Himmler
Kaselowsky (dead)	August-Oetker Backpulver, Bielefeld
Dr. Rasche	Dresdner Bank
Walz	Bosch Company
Voss	Hermann Göring Werke
Blessing	Formerly with Reichsbank - later had Rumanian oil interests
Bingel	Siemens-Halske
Halt, v.	Deutsche Bank
Olscher	Reichs-Kredit-Gesellschaft
Hecker	Ilseder Hütte
(Haylor)	Secretaries of State,
(Ohlendorf)	Ministry of Economics
Fischboeck	Reichs Commissar under 4 year plan; also had interests in the Netherlands.
Kehrl, Hans	Ministry of Economics
Börger	Ministry of Labor
Naumann	Secretary of State in Ministry of Propaganda
Bismarck, Count von	Regierungspräsident in Stettin and later in Potsdam
Pohl	Head of the Economics office of the S.S.

(4553)

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Schaefer	S.S. Standartenführer of S.S. office for Ahnenerbe. Conducted an expedition to Tibet
Sievert	Chief of Ahnenerbe office in S.S.
Schacht, Dr. Hjalmar	Economics Minister, President of Reichsbank
Keppler, Wm	Secy. of State, Foreign Affairs Ministry
Schroeder, Kurt v.	Cologne banker
Krogmann, Karl Vincenz	Lord Mayor, Hamburg
Helferich	Hapag, Aufsichtsrat, Chairman
Reinhart, Friedrich	Commerz Bank, Aufsichtsrat, Chairman
Meyer, Emil	Vorstand, Dresdner Bank
Waldhecker	Reichsbank Director
Goering, Herbert	Ministry of Economics

(signed) Kurt Freiherr von Schroeder.

KURT FREIHERR VON SCHROEDER.

Subscribed to and sworn to
before me this 5th day of
December 1945.

(signed) Arthur R. Donovan.

1st Lt. A.C.

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Exhibit USB 239
Filed Jan 23, 1946

(Excerpt)

TRANSLATION OF DOCUMENT NO. 3357-PS
OFFICE OF U. S. CHIEF OF COUNSEL

Excerpts from Dokumente der Deutschen Politik,
Vol. I, page 158, Doc. No. 64

"Exchange of letters between the Reich president, Adolf Hitler, and the Reichskommissar for Prussia, Franz von Papen, and Reichs Minister Goering, April 7 to 10, 1933, in connection with the recall of the Reichskommissar and the appointment of Goering to the post of Minister President of Prussia.

Papen to Hitler:

Very Honored Her Reichschancellor -

"With the draft of the law for the coordination of the states with the Reich, passed today by the Reich Chancellor, legislative work has begun which will be of historical significance for the political development of the German state. The step taken by the Reich Government, which I headed at the time, is now crowned by this new inter-locking of the Reich. You, Herr Reich Chancellor, will now, as once Bismarck, be able to coordinate in all points the policy of the greatest of German states with that of the Reich. Now that the new law enables you to appoint a Prussian Prime Minister I ask you to inform the Reich President that I return to his hands my post of Reichs Kommissar for Prussia.

With excellent respect,

Yours sincerely devoted,

/s/ Von Papen

Hitler to Hindenburg:

Highly honored Reichs President -

"Vice-Chancellor von Papen has sent a letter to me which I enclose for your information. Herr von Papen already informed me within the last few days that he agreed with Minister Goering to resign on his own volition, as soon as the unified conduct of the governmental affairs in the Reich and in Prussia would be assured by the new law on coordination of policy in the Reich and the states (Laender).

On the eve of the day when the new law on the institution of Reich governors (Reichs-Statthalter) was adopted, Herr von Papen considered this aim as having been attained and he requested of me to undertake the appointment of the Prussian Prime Minister, when at the same time he would offer his full time services in the Reich Government.

Herr von Papen, in accepting the commission for the Government of Prussia in these difficult times since 30 January, has rendered a very meritorious service to the realization of the idea of coordinating the policy in the Reich and the States (Laender). His collaboration in the Reich cabinet, for which he now offers all his strength, is infinitely valuable; my relationship to him is such a heartily friendly one, that I sincerely rejoice at the great help I shall thus receive.

With profound reverence,

/s/ Adolf Hitler

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(Excerpt)

TRANSLATION OF DOCUMENT NO. 3357-PS
OFFICE OF U. S. CHIEF OF COUNSEL
(Cont'd)

Hindenburg to Papen:

Dear Herr von Papen -

Your request to be released from the office of Reich Commissar for the State of Prussia has just been granted by me. I feel compelled at this occasion to thank you sincerely, in behalf of the Reich as well as my own, for the great meritorious contribution you have rendered toward the elimination of dualism between the Reich and the states (Laender) and for the realization of the idea of a unified political leadership in the Reich and the states. That now your entire capability will be at the disposal of the Reich government I welcome with satisfaction.

With best greetings in true comradeship -

Yours sincerely,

/s/ Von Hindenburg, Reich President

- -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 3357-PS

10 December 1945

I, Gerhart H. Seger, Civ., D 258957, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the indicated excerpt of Document No. 3357-PS.

GERHART H. SEGER,
Civilian
D 258957

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Exhibit US 245
Dated Jan. 23, 1946

TRANSLATION.

3375-PS.

4 November 1933, Voelkischer Beobachter, South German edition, page 10.

Report on mass meeting held in Essen on 2 November 1933, election campaign for Reichstag election and referendum on Germany's leaving the League of Nations scheduled for 12 November. Chairman of the meeting GAULEITER TERBOVEN, speakers Hitler and von Papen. Following translation of von Papen's address:

Headline: "The appeal of Vice-Chancellor von Papen."

Text: "Ever since Providence called upon me to become the pioneer of national resurrection and the rebirth of our homeland, I have tried to support with all my strength the work of the national socialist movement and its leader; and just as I at the time of taking over the chancellorship have advocated to pave the way to power for the young fighting liberation movement, just as I on January 30 was selected by a gracious fate to put the hands of our chancellor and Führer into the hand of our beloved field marshal, so do I today again feel the obligation to say to the German people and all those who have kept confidence in me:

The kind Lord has blessed Germany by giving it in times of deep distress a leader who will lead it, through all distresses and weaknesses, through all crisis and moments of danger, with the sure instinct of the statesman into a happy future.

When I had the honour last year to fight in Lausanne for the German interests to free Germany from the burden of the tributes, I said repeatedly and with greatest forcefulness to the then French and English Prime-Ministers: the problem of reparations is not only a material one but to a much larger degree a moral one. Germany at least wants to be free of all the discriminations which make it a second rate nation.

But those statesmen were not anointed with the oil of psychological perception, they did not understand at that time the meaning of the hour and they have not shown any understanding now in these days in Geneva. History has taken its course and the Führer has put into action the knowledge of the fact that nothing can be gained for Germany on the floor of the disarmament conference and the League of Nations by withdrawing from it. The German people are grateful to him for this decision which clears up the situation.

The election of November 12 is the most democratic of all means to ascertain whether the German people agree with the policies of his government, and whether they have agreed to the development pointed out to them by national socialism.

And what could show better to the other countries the alliance between Führer and nation but this election, this question about the confidence of the nation? Therefore it is necessary that all Germans understand: this time not parties or systems, not individuals or laws are at stake but simply Germany herself.

(3127)

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Therefore let me say a word at this hour to those who today are not among us, those who found it perhaps difficult to follow the development of the last few months because for a lifetime they might have gone the wrong way of adhering to a socialist ideology or shared the opinion of another party. Those Germans I remind that it is the desire and intention of the Führer to weld the entire German nation, all its classes and sectors into a national and political unity.

The best proof of that is that he guaranteed to the churches the full freedom of their high spiritual function, that he was ready to grant them more for the exercise of their high mission than at any time any liberal government of the last century.

Here in the heart of an overwhelmingly catholic province I express the urgent request to my catholic fellow-citizens to reward this generous recognition of the Christian basis of the Third Reich offered by the Führer with the fullest confidence in the future, and with giving their votes for him.

The Führer desires - I know it - the reconciliation with all those who were not in his ranks during the years of the struggle for the great goal he bears in his heart. The catholic part of the people did sacrifice its blood on the battlefields with the same devotion like all other fellow-citizens. The catholic part of Germany - wherever it may have stood politically - will not stand back either on the 12th of November, when it will be the time to offer a profession on behalf of national honour and of confidence in the Führer.

Let us in this hour say to the Führer of the new Germany that we believe in him and his work."

(3128)

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H1168 – 0070

Exhibit #13 244
Filed Jan. 23, 1946

3376-PS.

Das Archiv, September 1934, Vol. VI, pages 767-768, 19-9-34.

Headline: "Dissolution of the Union of Catholic Germans (Arbeitsgemeinschaft Katholischer Deutscher)".

Text:

"The Reich-leadership of the Party announces the self dissolution of the Union of Catholic Germans:

Since the Reich Party Leadership through its department for spiritual peace increasingly and immediately administers all cultural problems and those concerning the relationship of State and Churches, the tasks at first delegated to the Union of Catholic Germans are now included in those of the Reich Party Leadership in the interest of a stronger coordination.

Vice-Chancellor von Papen, up to now the Leader of the Union of Catholic Germans, declared about the Dissolution of this organisation that it was done upon his suggestion, since the attitude of the National Socialist State toward the Christian and Catholic Church had been explained often and inequivocally through the leader and chancellor himself."

H1168 - 0071

3387-PS.

Excerpt from Hitler speech at the second meeting of the Reichstag of 1933, on 23 March 1933, asking for the adoption of the Enabling Act: -- as quoted in Voelkischer Beobachter, 24 March 1933, page 1:

"While the Government is determined to carry through the political and moral purging of our public life, it is creating and insuring prerequisites for a truly religious life. The Government sees in both Christian confessions the most important factors for the maintenance of our folkdom. It will respect agreements concluded between them and the States. However, it expects that its work will meet with a similar appreciation. The Government will treat all other denominations with equal objective justice. It can never condone, though, that belonging to a certain denomination or to a certain race might be regarded as a licence to commit or tolerate crimes. The Government will devote its care to the sincere living together of Church and State."

H1168 - 0072

TRANSLATION. 3389-PS.

Official announcement by the Arch-Bishop of Cologne, Cardinal Schulte, on behalf of the Bishops' Conference at Fulda, 28 March 1933, as quoted in Voelkischer Beobachter, 29 March 1933, p. 2:

"The high shepherds of the dioceses of Germany in their dutiful anxiety to keep the Catholic faith pure and to protect the untouchable aims and rights of the Catholic Church have adopted, for profound reasons, during the last years, an oppositional attitude toward the National Socialist movement, through prohibitions and warnings, which was to be in effect as long and as far as those reasons remained valid.

It now must be recognized that there are official and solemn declarations issued by the highest representative of the Reich government - who at the same time is the authoritarian leader of that movement - which acknowledge the inviolability of the teachings of Catholic faith and the unchangeable tasks and rights of the church, and which expressly assure the full value of the legal pacts concluded between the various German States (Laender) and the church.

Without lifting the condemnation of certain religious and ethical errors implied in our previous measures, the Episcopat now believes it can entertain the confidence that those prescribed general prohibitions and warnings may not be regarded as necessary any more."

H1168 - 0073

TRANSLATION. 3463-PS

"Dates from the History of the NSDAP" by Dr. Hans Volz (member of the cultural circle of the SA). 9th Unaltered edition 1939 by H. G. Ploetz Berlin/Leipzig.

The following are extracts from the inside of the front cover:-

"No objections are raised by the N.S.D.A.P. against the publication of this pamphlet".

Berlin 16th December 1938 (SGD)
The Chairman of the Official Party Commission for the examination and protection of N.S.D.A.P. literature.

"It is suggested that all organisations of the N.S.D.A.P., the institution "Strength through Joy" and all associated organisations should buy and recommend this publication."

Berlin 16th December 1938

Office of the Cultivation of literature with the plenipotentiary of the Führer for the whole spiritual and idealogical education of the N.S.D.A.P.

Extract from page 41.

28th May (1932+) In view of the imminent fall of Brüning at a meeting between the former Deputy of the Prussian Centre Party Franz von Papen and the Führer in Berlin (First personal contact in Spring 1932); the Führer agrees that a Papen - Cabinet should be tolerated by the N.S.D.A.P. provided that the prohibitions imposed on the S.A, uniforms and demonstrations be lifted and the Reichstag dissolved.

+ Translator's Note.

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22.4.1943.

From the Archives for publication purposes
(Intern.Biograph. Archives)

JOACHIM VON RIBBENTROP

Minister for Foreign Affairs, S.S. Obergruppaufführer.

1. Joachim von Ribbentrop who adopted in 1925 the particle "von" as a title was born on 30 April 1893 and was the son of a retired Lt. Colonel Richard Ribbentrop who died in Berlin on 1.1.1941 and his wife whose maiden name was Rittwitz and Caffron. Ribbentrop's family came originally from Lipperland.

Ribbentrop spent his childhood and his school years mainly in Metz where his father's garrison was stationed for a time. Between the ages of 15 and 17 he lived in Switzerland, then he spent a year with a family of a professor in England. At the age of 18 he went to Canada where he had to earn his living. He obtained work on the construction of the great Quebec bridge, across the river of St. Lawrence and was engaged for two years on building caissons and railway trucks. With the outbreak of the 1914 war he made his way throught to Germany on a Dutch ship. He entered, as a volunteer, the 12th. Hussar Regiment where he received a commission in 1915. After being wounded, he was made, in the spring 1918, Adjutant to the Plenipotentiary of the War Ministry in Turkey; at the end of the war he worked at the War Ministry and was later appointed Adjutant of the peace delegation. He retired as a first lieutenant.

Ribbentrop turned now into a tradesman and started an import and export business, limiting himself mainly to dealings in wines. These activities led to his marriage on 5.7.1920, to Anna Henkell, the daughter of the owner of the well-known German champagne vaults. Up to the present there are five children of this marriage. Having already made connections abroad he now established fresk links with England and France. He succeeded in extending these to political circles, having joined in 1930 the service of N.S.D.A.P.

At the time of the final struggle for power in the Reich, Ribbentrop played an important, if not strikingly obvious part in the bringing about of the decisive meetings between the representatives of the president of the Reich and the heads of the N.S.D.A.P., who had prepared the entry of Nazis into power on 30.1.1933. Those meetings as well as those between Hitler abd von Papen took place in Ribbentrops house in Berlin Dahlen.

After the 30.1. too Ribbentrop remained something of a confidential deputy of the Fuehrer in his discussions with foreign statesmen and politicians until in April 1934 he was appointed by the president of the Reich, von Hindenburg, Special Commissioner on the question of disarmament. In this capacity he undertook, in May 1934, journeys to London and Rome, where he established contact with Mussolini; in June he was received by Barthou and Doumergue in Paris, in December by Laval. In September 1933 he was the guest of the Leader of the French Ex-Servicemen's Association Coy, with whom he had in common the desire to bring about closer co-operation between France and Germany through the activities of the ex-servicemen's organisations of the two countries. But in particular he prepared in this capacity diplomatic achievement of the equality of Germany in political and military matters which became a reality with the declaration of her sovereign rights to re-arm on 16.3.1935.

On 31.5.1935. Ribbentrop was appointed ambassador of a special mission and on 21.5.1935 charged with securing a Naval treaty with England on the basis of 35 to 100, the signature of which followed on 18.6.1953. After the re-occupation of the demilitarized zone in the Rhineland on 7.3.1936, Ribbentrop represented the Reich at the extraor inary session of the League of Nations in London as a special envoy and explained before that assembly the reasons for Germany's attitude. Soon after this Council meeting Ribbentrop handed over to the British Government the Great Peace Plan which had been developed by the Fuehrer and Reichchancellor in Reichstag on 29.3.1936.

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On 11.8.1936 the Führer and Reichchancellor appointed Ribbentrop as ambassador in London. At this difficult post Ribbentrop strove to achieve an understanding with England. During his activities in London Ribbentrop was at the same German representative at the non-intervention conference, which was expected to localise the Spanish Civil War. In his capacity as the extraordinary and plenipotentiary ambassador, Ribbentrop led in Autumn 1936 the discussions in Berlin with Muschakoji, the Japanese Ambassador at that time, on the German-Japanese Anti-Comintern Pact, which was signed on 25.11.1936. On 6.11.1937 Italy too entered this pact.

On 4.2.1938 the Fuehrer and Reichchancellor appointed Ribbentrop to the post of the Foreign Minister in succession to Baron von Neurath, who in his turn was appointed President of the Secret State Council. In that capacity Ribbentrop took part, as early as 12.2.1938, in the conversations of the Fuehrer in Obersalzberg with Dr von Schuschnig, then Austrian Reichschancellor. The Anschluss of Austria on 13.3.1938 must be marked as the hour on which the Great German Reich (Grossdeutschen) was born. On 14.3. Ribbentrop took over also the work of the Austrian Foreign Ministry. Between the 2. and 9.4 he remained in attendance with Hitler during his seven days' state visit in Italy.

After a summer full of crises, including the threat of war, the question of the Sudeten-Germans was cleared up at the conference of the "Four Great Men" (Hitler, Mussolini, Chamberlain, Deladier) in Munich(29-30.9.1938), when the purely German parts of Czecho-Slovakia were awarded to the Reich. On the following day, the tension which was felt throughout the world was eased by the declaration made jointly by Hitler and Chamberlain on the German-British relations. A German-Italian Court of Arbitration called by the Governments of Hungary and Czecho-Slovakia and presided over by Ribbentrop settled, on 2.11.1938., territorial disputes between these two countries. Still under the retrospect influence of the Munich discussions, the Reich's Foreign Minister von Ribbentrop, who had travelled specially to Paris, and the French Foreign Minister, Bonnet, issued on 6.12.1938., as a result of their deliberations, a declaration, similar to the British-German one of Munich, on the mutual relations of their respective countries. As the relations between the Reich and Poland (5.1.39, Beck was in Munich, 26-27.1.-Ribbentrop in Warsaw) as well as with other European countries could at that time still be regarded as friendly, the Fuehrer felt himself justified in stating, in his Reichstag declaration of 30.1.39., that, during the historic year of 1938, "Ribbentrop's correct and bold judgment, and sometimes excellent ways of dealing with all problems of foreign policy, meant to him extraordinary help in carrying out his policy". In May 1939 in order to ensure the policy of the Reich, the pact of alliance with Italy was concluded. Soon, however, the animosity between the Slovaks and the Czechs degenerated into a threat to the peace of Central Europe. Thanks to the foresight of the President of the Czech Protectorate, Dr. Hacha and his Foreign Minister Chvalkovsky, also this crisis would be solved without fight. On the 14th. March 1939 Dr Hacha, in view of the invasion by German troops, laid the fate of the Czech people and country into the hands of the Fuehrer of the German Reich. (16th March institution of the Protectorate Bohemia and Moravia). At the same time Slovakia announced her autonomy and asked for the protection of the Reich. After previous negotiations between Ribbentrop and Lithuanian Foreign Minister Urbsys also the Memel-land could return into the Reich on 22nd March 1939.

Although it had been possible, to regain without conflagrations all the territories, cut off the Reich by the Diktat of Versailles, all endeavours to settle with Warsaw the questions of Danzig and the Corridor were frustrated through the interference of England. An English promise of guarantee stiffened Polands attitude to such an extent, that in the course of the summer the crisis, which had existed since the spring 1939 increased to a danger of war, although the Fuehrer had offered a guarantee of the Polish frontiers in return for the return of Danzig into the Reich and a very magnanimous solution of the Corridor question. When the Western Entente already thought the ring round the Reich closed, the German Foreign Policy succeeded in coming to an agreement of consultation and non-aggression with Russia which was signed by Ribbentrop in Moscow on 23rd. August 1939. On the 28th and 29th September, when Ribbentrop was in Moscow for the second time, the negotiations on a frontier - and friendly agreement and German - Russian economic planning were ended.

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Polish frontier violation released on the 1st September 1939 the 18 days' victorious campaign through Poland. All previous negotiations between Ribbentrop and the British and French Ambassadors and an offer of mediation by Mussolini proved unsuccessful; on the 3rd. September first the British and three hours later the French Ambassador handed their Governments' declarations of war to Ribbentrop. In spite of that on the 5th October 1939 the Fuehrer in the Reichstag addressed another peace appeal to Britain and France, but again in vain.

During the lull in the winter of 1939/40 President Roosevelt tried to use his influence on European events. On the 1st. February 1940 his emissary, the Under-Secretary of State for Foreign Affairs, Sumner Wells, had talks with the Fuehrer and the Reich Foreign Minister.

With the occupation of Denmark and Norway on 9th April 1940, only a few hours before the landing of British troops in these territories, the battle began against the Western Powers. Simultaneously with the marching of the German Armies into Holland and Belgium, on the 10th May von Ribbentrop disclosed, in front of representatives of the foreign press, the English-French intentions which had been made known in Berlin, to invade the Ruhr district via Belgian and Dutch territory. After Marshal Petain had asked for an Armistice on 17th June 1940, shortly after Italy's entry into the war, the Fuehrer in the presence of the high generality and the Reich Foreign Minister, received in the word of Compiegne on 20th June the French Delegation, which had come to accept the terms of armistice.

After the victory in the West, the Fuehrer turned to the realisation of his plans for a United Europe. In agreement with allied Italy, shown clearly by the repeated meetings of the Foreign Minister, von Ribbentrop, and Count Ciano, and by decisions of importance in talks between Hitler and Mussolini themselves, began at first an economic infiltration of the South Eastern States and the building up of mutual conditions of confidence. The latter induced the Hungarian and Rumanian Government in their negotiations on territorial reconciliation to ask for an arbitrator's decision by the Axis, which took place under the chairmanship of von Ribbentrop on the 30th August 1940 in Vienna. After that, at first Hungary, which since February 1939 adhered to the Anticomintern Pact, joined on November 1940 the Tripartite Pact, which had been signed between Germany, Italy and Japan on the 27th September 1940. The necessity to transform the Anticomintern Pact into a security pact with a possibility of other countries to join, had resulted from the attitude of the U.S.A. becoming more and more threatening towards Japan and the Axis and from the increasing help being given to Britain, which culminated in the U.S.A. law for help to Britain in March 1941. Rumania, under her new Head of State, General Antonescu followed the example of Hungary. General Antonescu himself performed the signing of Rumania's declaration of adherence to the Tripartite Pact in Berlin.

On the 12th November 1940 the Chairman of the Committee of the People's Commissar, the Foreign Commissar Molotov, returned in Berlin the Reichsforeign-minister's visit of autumn 1939.

The year 1941 brought Bulgaria into the Three Power Pact on 1/3. Later, on 25/3 Jugoslavia also joined the Three Power Pact. However, a few days after the signing of the Pact in Vienna, a revolution took place in Belgrade, brought about by London and Moscow and resulted in a German invasion of Jugoslavia on 6/4. On the same day, Foreign Minister von Ribbentrop issued a declaration of the Reich Government's resolution concerning Jugoslavia and Greece. The conclusion of the German-Turkish Pact of friendship (18.6.41) was regarded as a German diplomatic victory over England.

The Foreign Office communique issued the morning of 22.6. contained extraordinary significant information regarding the treacherous activities of the Soviet Government since the conclusion of the German-Soviet Pact of Friendship, at the same time the German invasion armies crossed the Russian frontier.

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On 25.11.1941., a State Government meeting was held in the Ambassador's Hall of the new German Chancellery was signed by the representatives of the signatories of the Anticomintern Pact, prolonging the Agreement, and the representatives of the Governments of Bulgaria, Denmark, Finland, Croatia, Rumania and Slovakia joyfully acclaimed the participation of their respective countries in this Pact.

Rules were laid down for mutual operations against the Anglo-American enemy and after the entry of Japan and U.S.A. in the war, a military convention was signed in Berlin on 18.1.1942 between Germany, Italy and Japan.

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Exhibit GB 236
Filed Jan 23, 1946

D. 631.

Extract from the "Reichsgesetzblatt" 1932,
Part I, No. 36, Page 297.

Order of the Reichs-president against political excesses. 14th June 1932.

In accordance with article 48 Para. 2 of the Reich-constitution the following order is made: .....

C h a p t e r V

Transition- and Final Instructions

Para. 29

(1) This order comes into operation from the day of announcement

(2) It takes the place of

.....6. the order of the Reich-president for the safeguarding of the State-authority, of ~~3rd May~~ 13th April 1932 (Reichsgesetzbl. I, Page 175). +

+ Order of the Reich-president for the safeguarding of the State-authority.

13th April 1932.

In accordance with article 48 Para. 2 of the Reich-constitution the following order is made:

Para. 1

All organizations of a military nature, of the German National-Socialist Labour Party will be dissolved with immediate effect, particularly the Storm Detachments (SA.), the Protective detachments (Schutzstaffeln) (SS.), with all additional staffs and other institutions, including the SA.-Observer, SA.-Reserves Motorised Storm Detachments, Marine Storm Detachments, Mounted Storm Detachments, the Air-Corps, the Motor Corps, Medical Corps, Schools for training Leaders (Feuhrerschulen), the SA. Barracks and Workshop Detachments.

Para. 2

(1) Any article, serving a military purpose, or intended to serve as such, which at the time of disbanding was in possession of any of the disbanded organizations or member thereof, can be secured by the police. This must be carried out on the demand of the Minister of the Interior.....

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Exhibit Ys 237
Filed Jan. 23, 1946

D. 632.

Extract from "Internationales
Biographisches
Archiv"

(26. 10. 44.)

FRANZ von PAPEN

(German Statesman)

Franz von Papen was born in Werl, Westphalia on October 29th 1879. He went through the officer's course and was appointed Lieutenant in the 5 Lancer Regiment, Dusseldorf, on 15th March 1898. After attending the Military Academy, he was transferred to the 1st Uhlan Guards Regiment in the spring of 1911 and attached to the General Headquarters Staff, where he was promoted Captain on 22nd March 1913. Shortly afterwards he was appointed Military Attache at the Embassy in Washington and was ordered to the Embassy in Mexico. After the outbreak of World War, he was instructed to create the greatest difficulties to American munition transports. As a result of a complaint made by the American Secretary of State, Mr. Lansing, von Papen was finally recalled to Germany in the late autumn of 1915. His luggage was siezed on the return journey contrary to international law and a number of documents confiscated from which it was attempted to prove him guilty of sabotage.

von Papen was then appointed officer on the General Staff with the 4th Guards Infantry Division on the Somme and other sectors on the Western Front as well as Battalion Commander and he was promoted Major on 16th September, 1917.

Later he became General Staff Officer to the 4 Turkish Army under Liman von Sanders. The rumours which appeared in the press during the election propaganda in 1932, that in 1917 Papen arrested General Liman, when the latter was ill, and undertook on his own the siezure of Jerusalem, have been described as fully untrue by Papen in a letter written to the Marshal's widow.

After the collapse he took to politics. Being a Catholic, he joined the Centre Party (Zentrum) and was a deputy in the Prussian Parliament (Landtag) from 1921 to 1928 where, on the extreme right wing of the Centre, he used to upset the party leader. Owing to this he got himself into increasing opposition to the leaders of the party who struck his name off the list of candidates for the Prussian Parliament elections on 24th April, 1932. Nevertheless, as one of the main shareholders of the "Germania", he succeeded in switching the paper's ideology more and more to the right.

At this moment the Brüning Cabinet resigned and he was appointed to form the new cabinet. Kaas who was at that time Head of the Centre Party, was not willing to give his consent to it. But at a special wish of the President of the Reich, von Hindenburg , and after leaving the Centre Party and after resigning the presidency of the Supervision Board of the "Germania" on 1st June, 1932, he formed the new Cabinet in the beginning of June, 1932, which caused immediately a strong opposition of the Centre Party. The NSDAP also soon went into opposition to the "Baron's Government", so that the new cabinet had actually only the support of the German Nationals and a part of the People's Party (Volkspartei). In spite of that it was a favourable condition for Adolf Hitler's siezure of power. One of the first of Papen's official actions was the removal of the Braun-Severing Prussian Government and the union of the ruling power of the Reich and Prussia in his hand, in Prussia as Reich-Commissar (20/7/1932). von Papen was also the first German Chancellor, who on 28th June, 1932 at a conference in Lausanne, where the German political debts were practically buried, had the courage to oppose the discrimination of Germany. The Reichstag elections of the 31st July which were the result of von Papen's disbandment of the Reichstag on 4th June, strengthened enor,ously the NSDAP so that von Papen offered to the leader of the now strongest party his participation in the Government as Vice-Chancellor.

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Adolf Hitler rejected this offer on 13th August.

The new Reichstag which assembled on 30th August was disbanded by the 12th September. The new elections brought about a considerable loss to the NSDAP but did not strengthen the Government Parties so that Papen's Government retired on 17th November, 1932, after unsuccessful negotiations with the party leaders. After the new Government had been formed by the Reichswehrminister, von Schleicher, the President of the Reich wrote to the retiring Reich Chancellor a farewell letter expressing his special acknowledgement (Press of the 5th December, 1932.)

The meeting with Hitler which took place in the beginning of January 1933 in the house of the banker, Baron von Shröder, in Cologne is due to his initiative although von Schröder was the mediator. Both von Papen and Hitler made later public statements about this meeting (Press of 6th January 1933). After the rapid downfall of von Schleicher on 28th January, 1933, the Hitler-von Papen - Hugenberg - Seldte cabinet was formed on 30th January, 1933 as a Government of national solidarity. In this cabinet von Papen held the office of Vice-Chancellor and Reich Commissar for Prussia. This Government issued on 1st February, a proclamation to the German people. In the election of 5th March, 1933 von Papen was elected as a candidate of the "Kampfbund Schwarz-Weiss-Rot" and later in the election of 12th November 1933 as a candidate of the Joint-List. After the nomination of provincial Governors (Reichstatthalter) Papen left by his own request the appointment as Reich Commissar for Prussia on 11th April 1933. But as Vice-Chancellor he was still at the Fuehrer's disposal for special tasks. Thanks to his repeated visits to Rome, he prepared, for instance, the Concordat between Germany and the Roman press. The concordat was signed on 8th July, 1933.

Owing to the decision of the Cabinet on 15th November, 1933, a new task was given to von Papen, namely he was appointed Saar Plenipotentiary of the Reich Government. A strong emphasis of his union with Hitler induced Hitler to write to von Papen on 27th July 1934 on the occasion of the planned appointment of von Papen as Minister Extra-ordinary in Vienna responsible only to the Reich Chancellor. The document of his appointment and the handwritten letter to von Papen bear the last signatures of the Reich President von Hindenburg given by him before his death on 2nd August, 1934. Before his departure to Vienna, he brought the Reich Chancellor the political testament of the late Reich President which had been given to him by the son of the President. The testament was published on 16th August 1934. On the same day, Papen presented his credentials in Vienna. On 14th July, 1936 he concluded an agreement between Germany and Austria which seemed to clear the way for a complete elimination of all difficulties. After that the Fuehrer appointed him on 27th July, 1936 to Plenipotentiary Minister Extraordinary on a special mission. Then, when the Austrian Chancellor (Bunderkanzler) von Schuschnigg negotiated with the Fuehrer in Obersalzberg about new methods which were to ensure a better effectiveness of the agreement of 14th July,1936 and when seemingly a new agreement between the two Governments was reached on 12th February, 1938, von Papen was recalled from Vienna in February 1938. After the events of March 1938 which caused Austria's incorporation into the German Reich, von Papen had the satisfaction to be present at the Fuehrer's side when the entry into Vienna took place having just been admitted on 14th February, 1938 into the Party in recognition of his valuable collaboration and having received the Golden Party Badge from the Fuehrer. At first, von Papen retired to his estate Wallerfangen in the Saar district but soon the Fuehrer required his services again in that he on the 18th April, 1939, appointed von Papen German Ambassador in Ankara. After the conclusion of the German - Russian Non-Aggression Pact at the end of August 1939, the south east European press wrote that since the beginning of July, von Papen had negotiated with representatives of the Moscow Government and that the negotiations were proving themselves successful. But von Papen did not succeed in preventing Turkey from concluding pacts with England and France which were signed in the summer of 1939. But at the outbreak of war, Turkey remained neutral and owing to her export difficulties concluded with the Reich in February 1942 a Trade Agreement for the exchange of goods to the value of 721 million Turkish pounds.

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Even later von Papen managed to induce Turkey to remain quiet, until Turkey, apparently because of the war situation, saw herself induced to break her relations with the German Reich on 1.8.44. At the same time, the two Russians who had been sentenced to 20 years penal servitude for taking part in the attempt on Papen's life in Ankara on 24.2.42 were released by virtue of a general amnesty decree which was especially issued for that purpose. After his return to the Reich, von Papen was awarded the Knights Cross of the War Merit Order with Swords.

von Papen married in 1905 the daughter of the Saar industrialist von Galkan, the proprietor of the pottery works Villeroy & Boch. By this marriage he has four daughters and one son.

Exhibit GB 238
Filed Jan. 23, 1946
D. 633.

TRANSLATION.

Letter from von Papen to Hitler, dated 13 November 1932.

The Reichs Chancellor

Berlin, 13 November 1932.

Herr Adolf Hitler,

Munich.

Dear Herr Hitler,

When the President of the Reich appointed me to be leader of the Government on June 1st, he gave orders that the Presidential Cabinet, which I was to form, should represent the strongest possible concentration of all nationalist elements. You warmly welcomed this decision of the Reichs President at the time and you pledged your support of such a Presidential cabinet. When after the election of July 31st we tried to establish that concentration within the Presidential cabinet, you took the attitude that such concentration of all national elements was only possible under your leadership. You know how much I, in a series of conferences, tried to find a solution which would profit the country best. But for reasons which are well known to you, the Reichs President considered he had to refuse your claims for the Chancellor's office.

Since then a position has arisen, owing to the political antagonism of the nationalist elements amongst themselves, which can only be considered regrettable from a patriotic point of view.

A new situation has arisen through the elections of November 6th and at the same time a new opportunity for all nationalist elements to be concentrated anew. The Reichs President has instructed me to find out by conversations with the leaders of the individual parties concerned, whether and how far, they would be prepared to support the carrying out of the political and economic programme on which the Reichs government has embarked. In spite of the national-socialist press calling it a naive attempt for Reichs Chancellor von Papen to confer with the people concerned in the nationalist concentration, and that there can be only one answer, namely: "No negotiations with Papen", I should consider it neglecting my duties and I would be unable to justify it to my own conscience, if I did not approach you in this matter. I am quite aware from the papers, that you are maintaining your demands to be entrusted with the Chancellor's office, and I am equally aware of the continued existence of the reason for the decision of August 13th. I need not assure you again that I myself do not come into this matter at all. All the same I feel that the leader of so great a national movement, the merits of which for people and country I have always recognised, in spite of necessary criticisms, should not refuse to enter into discussions on the situation and the decisions required with that German politician, who at present bears the full responsibility. We must attempt to forget the bitterness of the elections and to place the welfare of the country, which we both of us serve, above all other considerations.

Since I am very occupied next week with official visits of the Reichs Government to Saxony and Southern Germany, I shall be at your disposal on Wednesday and Thursday, 16th and 17th November, during the coming week.

Yours faithfully (etc.)

(sgd) PAPEN.

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Part of GB 238

D - 634.

Hitler's reply to von Papen, dated 16th November 1932.

Reichs Chancellor von Papen.

Dear Reichs Chancellor,

After a full consideration of your request dated 13th November for a conference on the situation and the decisions required, I have to give the following reply:

In spite of misgivings, I share your opinion that as leader of a large party one should not refuse to "enter into negotiations on the situation and the decisions required with that German politician who at present bears the full responsibility". However, the nation expects more from such a conference than a theoretical approach to the difficulties and problems which occupy them at present. Besides I have so often in my writing and speeches explained my attitude concerning this, that you, Mr. Reichs Chancellor, must be aware of same. Small as appear to be the advantages of such a general discussion, as large may be damaging consequences derived therefrom, because millions of our fellow countrymen expect positive results from negotiations if they take place at the present moment and if they become generally known. And quite rightly so! Discussions of the position by themselves won't help anybody. Therefore I consider negotiations at this very moment only advisable if their negative outcome is not established from the onset. I am therefore obliged, dear Reichs Chancellor, to name four conditions under which such an exchange of ideas might take place.

Item 1. I am unable to attend a verbal discussion but would ask that, if ideas are to be exchanged, this should be done in writing. The experience of the verbal discussions which have taken place so far and in the presence of witnesses, proves that the recollecting powers of the two parties do not yield an identical reporduction of the text and context of the negotiations. You yourself, Mr. Reichs Chancellor, state right in the beginning of your letter, that you had at one time been assured of the support by the national-socialist party of the Presidential cabinet to enable you to carry out your instruction "to effect the strongest possible concentration of all nationalist elements". The facts are that I stated in the presence of Hauptmann Goering, when I was informed that the cabinet was to be re-shuffled after the elections, that I would not insist on this, provided the government would fulfil its nationalist duties. I instantly refused a request made to me about the same time to issue in writing a declaration of support, and stressed that this was quite out of the question. One could not possibly ask me to give a blank cheque to men, who were partly personally and in any event politically unknown to me. The economic and political measures taken by this cabinet during its first six weeks in office, have justified this reserved attitude of mine.

Your contention, Reichs Chancellor, that I had demanded total powers, whilst in fact I only asked for the leadership, prove how far verbal discussions may lead to erroneous conceptions. You yourself were to be a member of the new cabinet in your capacity as foreign secretary, General Schleicher, enjoying the special confidence of the Reichs President, was to be minister in charge of the Reichswehr and, agent from the Home Office and two, or at the very most three, ministries of no political significance, all positions were to be staffed by personnel who were either already in office or were to be agreed upon in negotiations between the parties concerned. You, Mr. Reichs Chancellor, have interpreted our demands, which at that time were more than modest, in such an erroneous light, that, wise through experience, I am no longer willing to deviate from the only safe method, i.e. to deal with such questions in writing, all

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the more, since I am obviously powerless against so-called official communiques. You, Mr. Reichs Chancellor, are not only able to submit your interpretation to the German people through the officially inspired broadcasting system, but you can also force it on to the readers of my own party newspapers by means of the publications regulation (Anflageverfahren). I have no defence against such methods. If therefore, Mr. Reichs Chancellor, you intend to enter into a discussion, under observance of the other three conditions, I would ask you to let me know your attitude and/or your questions in writing when I shall similarly let you have my written replies.

Item 2. There is no point in starting discussions, unless you, Mr. Reichs Chancellor, let me know in advance, how far you do in fact feel and regard yourself as fully responsible in your capacity as the leading German politician. Under no circumstances am I prepared to expose myself again to the methods used on August 13th. For in my opinion it is inadmissable for the "German politician bearing the full responsibility", to share out his responsibility at a given moment when responsible action is required. I refer here to a passage of your letter in which you now speak of reasons leading to the decision of August 13th, reasons which continued to apply, though at the same time you remark that you yourself do not come into this discussion at all! Mr. Reichs Chancellor, once and for all I should like to state: Just as I regard myself as basically responsible for the political decisions of the national-socialist party, as long as I am the leader of that party, so are you responsible for the political decisions of the Reichs government, as long as you are Reichs Chancellor. For that reason I asked you on August 13th to take the responsibility for the breaking-off of our negotiations yourself, instead of settling it on the Reichs President. I told you that since, as you assured me, our demands could not be met owing to reasons connected with the Reichs President, I had obviously to refuse to call on him in the circumstances. I told you that, as long as a Reichs Chancellor bore the political responsibility, it was his duty to cover his sovereign, he a king or a president. When you asked me what ideas I had on this subject, I suggested you should issue an official communique to the effect that negotiations concerning the Reichs Government re-shuffle had taken place between you, Mr. Reichs Chancellor, and me in my capacity as leader of the national-socialist movement; these negotiations had been unsuccessful and had therefore been broken off. For since I had previously been a presidential candidate, it seemed to me inadvisable towards the millions of my adherents to let the Reichs President appear as being in any way connected with my being turned down, which was now to be expected. You were the politician bearing full responsibility for the Reich, and in my opinion it was up to you especially in this case, to shoulder the responsibility, except if your conscience would have prevented you, in which case it would have been your duty to resign. Unfortunately you could not be prevailed upon to shoulder the due proportion of your responsibility; I carried mine alright. Your chancellery, however, succeeded by means of a subterfuge, against my wishes and in spite of the declaration which you had made, to involve me in a discussion with the Reichs President. The outcome, which to you was a foregone conclusion, may have relieved you of the responsibility in your own eyes; it did not destroy me, but it dragged the Reichs President, at the age of 85 years, into a common squabble and settled him with a heavy responsibility. I do not wish to see a repetition of this game. I am therefore only prepared to enter into a correspondence on the situation in Germany and the alleviation of our difficulties, if you, Mr. Reichs Chancellor, are first prepared to admit unambiguously your full responsibility for the future.

Item 3. I would ask you, Mr. Reichs Chancellor, to inform me to what purpose an inclusion of the national-socialist movement is desired. If you

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intend to get me and the national-socialist movement to subscribe to the political and economic programme, on which, as you state in your letter, the Reichs government has embarked, any correspondence in this matter would be irrelevant, nay superflous. I am willing and unable to give an opinion on what the government regards as the programme of its own violation, since, in spite of the closest consideration, I have never quite understood that programme. However, if it is a question of continuing those internal, foreign and economic-political measures which are being carried out at present, I shall have to refuse any support on the part of the national-socialist movement, since I consider these measures partly as inadequate, partly as insufficiently planned, partly as completely useless, even as dangerous. I know that you, Mr. Reichs Chancellor, have a different opinion, but I consider that the practical activities of your Government have already been proven to be at least unsuccessful.

Item 4. You say in your letter that as a result of November 6th "a new opportunity for the concentration of all national elements" had arisen. I must confess that I am quite unable to understand the purport of this remark. I am of the opinion that that possibility has obviously only deteriorated through the dissolution of the diet in September, because the result is on the one hand an immeasureable strengthening of Communism and on the other a revival of the small splinter parties, which are without the slightest practical political value. The formation of a politically practicable block within the German people is thereby, from a party point of view, only imaginable by the inclusion of the Nationalists (Deutschnationale) and German people's party (D.V.P.), because I have to decline a priori the suggestion, which you seem to have in your mind, to include the Socialist party (S.P.D.). As you know yourself, the leader of the Nationalist party (Deutschnationale) has, prior to the elections, most unambiguously branded any cooperation with the R.C. centre party (Zentrum) as treason and a crime against the nation. I do not believe that all of a sudden Geheimrat Hugenberg would prove himself so lacking in character that he would do after the elections what he had so strongly condemned before the elections. Your endeavours, Mr. Reichs Chancellor, appear to me vague and thereby as much a waste of time as they are useless, as long as you are unable to inform me that Mr. Hugenberg has changed his mind after all.

These four points, Mr. Reichs Chancellor, I regard as my conditions for an exchange of ideas and/or correspondence. Approval or disapproval depends on you.

In conclusion I should like to assure you, Mr. Reichs Chancellor, that I am nursing no bitterness on account of the elections. During the 13 years of my struggle for Germany I had to suffer so much persecution and so many personal attacks, that I have learned in time to place the big task which I serve above my own miserable self. What embitters me is merely, to have to observe how, under your somewhat unfortunate statecraft, Mr. Reichs Chancellor, day after day some of the national wealth, in the creation of which, within the framework of German history, I participated to the best of my ability, is being squandered. This wastage of the hope, faith and trust of the nation in a German future is what fills me with sorrow and pain but at the same time confirms me in my unswerving resolution, to insist on my demands, which in my opinion can alone overcome our danger.

Yours faithfully (etc.)

(sgd) Adolf Hitler.

P.S. Since I understand that General von Schleicher has been informed of the contents of your letter, Mr. Reichs Chancellor, I take the liberty of forwarding on my part a copy of this reply.

Exhibit D/3 242 Filed Jan. 23, 1946

D. 635.

TRANSLATION

COPY

of Radiogram from Vice Chancellor von Papen to Board of Trade for German-American Commerce, 230 Fifth Avenue, New York.

March 27, 1933.

To your telegraphic inquiry the following reply is sent: The reports circulating about alleged encroachments against American business interests and other excesses are absolutely unfounded. Business, life, traffic and commerce are normal since the National Government is in power. Complaints about wrongs against American interests were not reported by the local American Chamber of Commerce which gave on the 10th a big farewell dinner to ambassador Sackett. Reports about the existing state of seige and censorship of news are imagined. The degree for censorship for letters and telegrams was instituted against communistic activity of suspected persons. The goal of the National revolution to free Germany from the threaded communistic danger and administration or inferior elements has been accomplished with remarkable order. The American Embassy reported less than a dozen cases of excesses against Americans to the Reichs-Government, which all were of a light nature. It could not be determined whether these were committed by National Socialists. The reports circulating in America about alleged torture of political prisoners and mistreatment of Jews are received here with indignation and are rejected by us without foundation. Hundred thousand Jews - no matter what their nationality - live here unmolested if they were not active politically. Business in numerous Jewish business places and in big Jewish publication houses, as Mosse, Ullstein, Frankfurter Zeitung, etc. is entirely normal. Synagogues and Jewish cemeteries were not disturbed. Certainly some regrettable incidents occurred, but since the declaration of the chancellor on March 12 that unlawful single actions should be stopped as otherwise they would be strongly resented, nothing has happened anymore. The opposite reports circulating in America to which also the alleged Bartholemews night planned for the night of March 4th belongs originate undoubtedly from sources with strong interests to poison the friendly relations between Germany and America and the National Government and discredit us with the American people systematically although we are supported by the majority of the German people.

(signature) Vice Chancellor von Papen

I affirm that
this is a true copy of the translation
WILBUR K. THOMAS.
December 3, 1945.

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Filed Jan. 23, 1946

D 635.

Extract from New York Times, Tuesday 28th March 1933.

Von Papen's message was as follows:

News which has reached you of alleged encroachments against American business interests and of other excesses is entirely without foundation. Business life, travel and commercial intercourse have been proceeding absolutely normal since the national government has taken office. No complaints about interference with American interests have been reported by the American Chamber of Commerce in Berlin which on March 10 gave Ambassador Sackett a great farewell banquet.

"State of Siege" Denied.

Reports that a state of siege and news censorship exist are free inventions. The emergency decree under which mail and telegraphic communications can be supervised is directed against persons suspected of communistic plots. The national revolution, the goal of which it is to free Germany from serious communistic danger and remove from the administration all inferior elements, has been accomplished with remarkable order.

The American Embassy has reported to the Reich Government less than a dozen cases of excesses against Americans, all of which are of a light nature and which by no means have been established as having been committed by National Socialists. Reports circulated in America and received here with indignation about alleged tortures of political prisoners and mistreatment of Jews deserve strongest repudiation.

Hundreds of thousands of Jews irrespective of nationality, who have not taken part in political activities, are living here entirely unmolested. Operations of large Jewish enterprises and big Jewish publishing houses, such as Mosse, Ullstein and Frankfurter Zeitung, are absolutely normal. Synagogues and Jewish cemeteries are undistrubed.

Undoubtedly there have been a few regrettable excesses. However, since the declaration of the Chancellor on March 12 that illegal acts by individuals have to stop and will be most severely dealt with, nothing more has happened. News to the contrary which is circulated in American including a story of an alleged St. Bartholomew night, said to have been planned for the night of March 4, clearly emanates from sources strongly interested in poisoning the friendly relations between Germany and American and systematically discrediting with the American people the national government, although it is based on a majority of the German people.

The radiogram, sent from the Foreign Office in Berlin to the trade board here at 230 Fifth Avenue was made public by Albert Degener, secretary-treasurer of the board.

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DOCUMENT NO. L-150

STRICTLY CONFIDENTIAL.

Memorandum of Conversation between William C. Bullitt American Ambassador to France, and the German Minister for Foreign Affairs, Von Neurath, in Berlin, on May 18, 1936.

I called on Von Neurath, Minister for Foreign Affairs, on May 18th and had a long talk on the general European situation.

Von Neurath said that it was the policy of the German Government to do nothing active in foreign affairs until "the Rhineland had been digested". He explained that he meant that until the German fortifications had been constructed on the French and Belgian frontiers, the German Government would do everything possible to prevent rather than encourage an outbreak by the Nazis in Austria and would pursue a quiet line with regard to Czechoslovakia. "As soon as our fortifications are constructed and the countries of Central Europe realize that France cannot enter German territory at will, all those countries will begin to feel very differently about their foreign policies and a new constellation will develop," he said.

We then discussed the position of the Little Entent, and Von Neurath said that he could assure me with absolute certainty that Yugoslavia positively would not recognize the Soviet Government. Yugoslavia definitely had refused to join Rumania and Czechoslovakia in forming a bloc under Russian hegemony. He said that Germany's relations with Yugoslavia had improved greatly. He accompanied the latter statement with something like a wink, which I took to mean that some sort of definite understanding had been reached between Germany and Yugoslavia.

In discussing France, he said that he could swear to me that the deepest desire of Hitler was to come to a real understanding with France. He added that I knew from the many conversations we had had on this subject over a long period of years that to establish a Franco-German understanding had always been the core of his personal foreign policy. He then said he regretted that there seemed to him today not the slightest chance of bringing about a reconciliation between France and Germany. He asserted that every attempt he or Hitler had made to draw closer to the French had resulted in either no reply from France or a rebuff.

Von Neurath then stated that no understanding had been reached between Germany and Italy and admitted that the demonstrations of friendship between Germany and Italy were mere demonstrations without basis in reality. He went on to say that at the present time he could see no way to reconcile the conflicting interests of Germany and Italy in Austria. He said that there were three chief reasons why the German Government was urging the Austrian Nazis to remain quiet at the present time. The first was that Mussolini had today the greater part of his army mobilized on the Austrian border ready to strike and that he would certainly strike if he should have a good excuse. The second reason for urging Austrian Nazis to remain quiet for the present was that the Nazi movement was growing stronger daily in Austria. The youth of Austria was turning more and more toward the Nazis and the dominance of the Nazi Party in Austria was inevitable and only a question of time. The third reason was that until the German fortifications had been constructed on the French border an involvement of Germany in war with Italy might lead to a French attack on Germany.

With regard to England, he said that he regretted greatly that no really friendly contact had been established between the German and British Governments. I asked him if he meant that he did not talk and could not talk with Eden or the British Ambassador in Berlin as simply and directly as he was talking to me. He replied that he absolutely could not and that it was totally impossible. I asked him what he thought

would be British policy with regard to Germany. He replied that he had said to Hitler in the course of the previous week that he was expecting a British gesture of friendship toward Germany which would possibly take the form of a statement made privately that England could see no moral objection to the joining of Austrian Germans to the German Republic. He went on to say that he and Hitler were fully prepared for this maneuver; that the real desire of Britain was to embroil Germany with Italy by producing a Nazi coup d'etat in Austria. "We have no intention, however", he said, " of being the cat's paw for British policy in Europe. Our policy will be a German policy and nothing else."

We discussed relations between Germany and the Soviet Government. Von Neurath said that he considered the hostility between Germany and the Soviet Union adsolutely irremoveable. He asserted that the Soviet Union believed that Nazi Germany was the one obstacle to the conquest of Europe by Communism. There could be no end, therefore, to the hostility between the two States. He asserted that recently the German secret police had found that the Soviet Government, through the Comintern, was pushing the Communist movement in Germany with greater intensity than ever before.

With regard to internal affairs and particularly the appointment of Goering as Schacht's superior, Neurath made the following assertions:

(1) He said that about two months ago Hitler had said to him that it was absolutely necessary to do something to protect Schacht from the attacks of certain Nazi Party institutions and individuals who were in the habit of using foreign exchange in large quantities without Schacht's permission or control. I asked him what institutions he meant and he said that the worst was the Ministry of Propaganda under Goebbels which had been spending millions on foreign propaganda utterly without result. He asserted that Hitler had said to him he felt it would be desireable to shelter Schacht behind the broad figure of Goering, who had great prestige and power in the country and the Nazi Party. He asserted that the arrangement had been made with the full consent and approval of Doctor Schacht and that it was working very well.

He asserted that at major conferences to consider economic affairs Schacht and Goering both presided and that Goering interferred only if certain party chiefs refused to accept Schacht's authority. He asserted that he expected the present arrangement to give satisfactory results and to last for a considerable period.

I suggested to Von Neurath that if, as he had pointed out to me in a previous conversation, those colonies which Germany could hope to reacquire could not provide sufficient raw materials to produce any amelioration in the German economic situation, it seemed most unwise at a time when it was desirable to have as much British support as possible, to raise the question of colonies needlessly. He replied that he had somewhat revised his views since he had talked to me on this subject, and said that there were certain colonies which might be most useful, notably the Cameroons. He seemed to indicate, by further remarks on the subject, that Germany would attempt to obtain the Cameroons but would not push seriously other colonial claims for the present.

I asked Von Neurath when he would reply to the British note of inquiry as to the meaning of Hitler's peace proposals. He answered that the German Government would take its own time about replying, that the reply would certainly not be made in the near future.

He went on to say that the entire matter of the British note of inquiry had been mishandled grossly by the British Foreign Office. He said that Sir Eric Phipps had brought him the note with the request to

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keep its contents absolutely secret and that he had agreed to absolute secrecy as it was possible to reach any international agreements by debates in the public press. He said that, to his utter astonishment, Sir Eric Phipps had then telephoned to him and said that he regretted greatly to inform him that there had been a leak as to the contents of the note and that it would be essential for the British Government to publish it the following morning. Von Neurath asserted that he had asked Phipps if the leak had been in the French Foreign Office and that Sir Eric had replied that he was extremely sorry to say that the leak had been in London.

Von Neurath then went on to say that in view of the fact that it was now proposed to reform the League of Nations entirely and that as one of the proposals of the German Government had been that Germany should enter the League, it was impossible to make decision or binding statements with regard to foreign policy until it was known what the nature of the new League would be. He discussed this matter at some length and seemed to indicate that the German reply to the British note would be long delayed and would not be specific and would explain the lack of definiteness by the excuse that until the new constitution of the League had been established, it would be impossible to make promises with respect to foreign policy.

The entire impression I gathered from Von Neurath was that Germany will attempt to behave in a quiet and inoffensive manner until her fortifications on the French and Belgian frontiers are completed and during that period will attempt to avoid any commitments which might restrict her future activities.

With regard to Czechoslovakia, Von Neurath said that although the Czechs were violently anti-German at the present time, he would not be surprised to see an improvement in relations between Germany and Czechoslovakia brought about by the construction of German fortifications on the French frontier. He said that the German Government knew just as well as the Russian that all talk of Russian military assistance to Czechoslovakia at the present moment was nonsense.

He said that the Russian troops could not reach Czechoslovakia and that Russian airplanes could not easily fly to Czechoslovakia owing to the inability of the Russians to conduct long flights over such difficult regions as those which lie between Kiev and Prague.

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INTERNATIONAL MILITARY TRIBUNAL

Filed Jan. 5, 1946
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Jan 5/46

BRITISH DOCUMENT BOOK

No. 11 (ENGLISH)

FRANZ v. PAPEN

Franz v. Papen

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